

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
WEDNESDAY, FEBRUARY 13, 2013

Committee of the Whole 7:30 P.M.
Stated Meeting 8:00 P.M.
City Council Chambers

TIME: 9:00PM

PRESENT: PRESIDENT OF THE COUNCIL
 CHUCK LESNICK

DISTRICT:

2	MAJORITY LEADER WILSON A. TERRERO
6	MINORITY LEADER JOHN J. LARKIN

COUNCIL MEMBERS:
DISTRICT:

1	CHRISTOPHER A. JOHNSON
3	MICHAEL R. SABATINO
4	DENNIS E. SHEPHERD
5	MICHAEL B. BREEN

Recitation of the Pledge of Allegiance to the Flag followed by a minute of silence to invoke God's guidance and Blessing upon our deliberations.

Minutes of the stated meeting held on January 22, 2013 approved on motion of Majority Leader Wilson Terrero.

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COMMUNICATIONS FROM CITY OFFICIALS

1. FROM ROMAN KOZICKY OF THE PLANNING BOARD TO CITY COUNCIL PRESIDENT LESNICK DATED JANUARY 30, 2013. RE; A SPECIAL USE PERMIT AND SITE PLAN APPLICATION FOR THE REMOVAL OF TWO BUILDINGS AND THE CONSTRUCTION OF ONE BUILDING AT THE CON-ED SUB STATION PROPERTY KNOWN AS 590 PALMER RD. THIS RESOLUTION OF THE PLANNING BOARD WAS ADOPTED 6-0 WITH 1 ABSENT.

ON AGENDA

2. FROM ROMAN KOZICKY OF THE PLANNING BOARD TO CITY COUNCIL PRESIDENT LESNICK DATED JANUARY 30, 2013. RE A REQUEST FOR A PLANNING BOARD ADVISORY RECOMMENDATION TO THE CITY COUNCIL FOR AN OFFICIAL MAP CHANGE TO DISCONTINUE A PORTION OF MORROW AVE. THIS PLANNING BOARD RESOLUTION WAS ADOPTED 6-0 WITH 1 ABSENT.

SENT TO REAL ESTATE

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COMMUNICATIONS - GENERALLY

NONE

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COMMITTEE OF THE WHOLE

<u>NAME</u>	<u>ADDRESS</u>	<u>ITEM NO.</u>
1. EILEEN O'CONNOR	YKS RESIDENT	19
2. TERRY JOSHI	29 ROCKLAND AVE	19
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4. TERRY NAGAI	YKS RESIDENT	19
5. BOB MORROW	YKS RESIDENT	19
6. LILLY GALLAN	YKS RESIDENT	19
7. JOANNA ROBINSON	268 WARBURTON AVE	19
8. PAT GAMBARDELLA	140 DEVOE AVE	19

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SPECIAL ORDINANCE NO.4-2013

1. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

A SPECIAL ORDINANCE ACCEPTING DEDICATION OF OTIS DRIVE LYING BETWEEN RIDGE HILL BOULEVARD AND BLOCK 4072, LOT 1 AND BLOCK 4073, LOT 1 ON THE OFFICIAL ASSESSMENT MAP OF THE CITY OF YONKERS, AND DECLARING THE SAME TO BE A PUBLIC STREET OR HIGHWAY OF THE CITY OF YONKERS.

The City of Yonkers, in City Council convened, hereby Ordains and Enacts:

Section 1. Otis Drive, which is bounded and described as follows:

BEGINNING AT A POINT FORMED BY THE INTERSECTION OF THE SOUTHERLY TERMINUS OF OTIS DRIVE (VARIABLE WIDTH) AND THE EASTERLY LINE OF RIDGE HILL BOULEVARD (VARIABLE WIDTH) RUNNING FROM SAID POINT OF BEGINNING, THENCE ALONG OTIS DRIVE THE FOLLOWING FIFTY TWO (52) COURSES;

1. NORTH 11 DEGREES - 27 MINUTES - 03 SECONDS WEST, WITH A DISTANCE OF 112.43 FEET
2. SOUTH 40 DEGREES - 46 MINUTES - 49 SECONDS EAST, A DISTANCE OF 73.54 FEET TO A POINT, THENCE;
3. SOUTH 70 DEGREES - 06 MINUTES - 24 SECONDS EAST, A DISTANCE OF 248.04 FEET TO A POINT OF CURVATURE, THENCE;
4. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 230.00 FEET, AN ARC LENGTH OF 160.37 FEET, A CENTRAL ANGLE OF 39 DEGREES - 56 MINUTES - 57 SECONDS, BEARING A CHORD OF NORTH 89 DEGREES - 55 MINUTES - 07 SECONDS EAST, A

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SPECIAL ORDINANCE NO.4-2013 (CONTINUED)

CHORD DISTANCE OF 157.14 FEET TO A POINT OF TANGENCY,
THENCE;

5. SOUTH 66 DEGREES - 38 MINUTES - 29 SECONDS WEST, A
DISTANCE OF 26.50 FEET TO A POINT, THENCE;
6. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 230.00 FEET,
AN ARC LENGTH OF 222.65 FEET, A CENTRAL ANGLE
OF 55 DEGREES - 27 MINUTES - 51 SECONDS, BEARING A
CHORD OF NORTH 35 DEGREES - 36 MINUTES - 24 SECONDS
EAST, A CHORD DISTANCE OF 214.06 FEET TO A POINT OF
TANGENCY, THENCE;
7. NORTH 07 DEGREES - 52 MINUTES - 29 SECONDS EAST, A
DISTANCE OF 275.50 FEET TO A POINT, THENCE;
8. SOUTH 81 DEGREES - 20 MINUTES - 12 SECONDS EAST, A
DISTANCE OF 5.00 FEET TO A POINT, THENCE;
9. NORTH 07 DEGREES - 52 MINUTES - 29 SECONDS EAST, A
DISTANCE OF 173.74 FEET TO A POINT, THENCE;
10. NORTH 81 DEGREES - 20 MINUTES - 12 SECONDS WEST, A
DISTANCE OF 47.88 FEET TO A POINT, THENCE;
11. NORTH 08 DEGREES - 39 MINUTES - 48 SECONDS EAST, A
DISTANCE OF 60.00 FEET TO A POINT, THENCE;
12. SOUTH 81 DEGREES - 20 MINUTES - 12 SECONDS EAST, A
DISTANCE OF 45.91 FEET TO A POINT OF CURVATURE,
THENCE;
13. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 10.00 FEET,
AN ARC LENGTH OF 15.85 FEET, A CENTRAL ANGLE OF 90
DEGREES - 47 MINUTES - 19 SECONDS, BEARING A CHORD OF
NORTH 53 DEGREES - 16 MINUTES - 09 SECONDS EAST, A

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CHORD DISTANCE OF 14.24 FEET TO A POINT OF TANGENCY,
THENCE;

14. NORTH 07 DEGREES - 52 MINUTES - 29 SECONDS EAST, A
DISTANCE OF 237.33 FEET TO A POINT, THENCE;
15. NORTH 07 DEGREES - 30 MINUTES - 37 SECONDS EAST, A
DISTANCE OF 141.68 FEET TO A POINT, THENCE;
16. NORTH 08 DEGREES - 06 MINUTES - 31 SECONDS EAST, A
DISTANCE OF 89.36 FEET TO A POINT, THENCE;
17. NORTH 10 DEGREES - 01 MINUTE - 18 SECONDS EAST, A
DISTANCE OF 128.37 FEET TO A POINT OF CURVATURE,
THENCE;
18. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1,500.00
FEET, AN ARC LENGTH OF 15.80 FEET, A CENTRAL ANGLE OF
00 DEGREES - 36 MINUTES - 13 SECONDS, BEARING A CHORD OF
NORTH 09 DEGREES - 43 MINUTES - 12 SECONDS EAST, A CHORD
DISTANCE OF 15.80 FEET TO A POINT OF TANGENCY, THENCE;
19. SOUTH 08 DEGREES - 54 MINUTES - 43 SECONDS WEST, A
DISTANCE OF 26.50 FEET TO A POINT, THENCE;
20. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1,500.00
FEET, AN ARC LENGTH OF 23.45 FEET, A CENTRAL ANGLE OF
00 DEGREES - 53 MINUTES - 45 SECONDS, BEARING A CHORD OF
NORTH 07 DEGREES - 57 MINUTES - 29 SECONDS EAST, A CHORD
DISTANCE OF 23.45 FEET TO A POINT OF TANGENCY, THENCE;
21. NORTH 07 DEGREES - 30 MINUTES - 36 SECONDS EAST, A
DISTANCE OF 191.88 FEET TO A POINT OF CURVATURE,
THENCE;
22. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 309.00 FEET,
AN ARC LENGTH OF 80.41 FEET, A CENTRAL ANGLE OF 14

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DEGREES - 54 MINUTES - 35 SECONDS, BEARING A CHORD OF NORTH 00 DEGREES - 03 MINUTES - 19 SECONDS EAST, A CHORD DISTANCE OF 80.18 FEET TO A POINT OF NON-TANGENCY, THENCE;

23. NORTH 12 DEGREES - 01 MINUTE - 23 SECONDS WEST, A DISTANCE OF 156.58 FEET TO A POINT OF CURVATURE, THENCE;
24. ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 522.00 FEET, AN ARC LENGTH OF 59.47 FEET, A CENTRAL ANGLE OF 06 DEGREES - 31 MINUTES - 41 SECONDS, BEARING A CHORD OF NORTH 08 DEGREES - 45 MINUTES - 31 SECONDS WEST, A CHORD DISTANCE OF 59.44 FEET TO A POINT OF TANGENCY, THENCE;
25. NORTH 05 DEGREES - 29 MINUTES - 41 SECONDS WEST, A DISTANCE OF 113.26 FEET TO A POINT, THENCE;
26. NORTH 57 DEGREES - 36 MINUTES - 20 SECONDS WEST, A DISTANCE OF 8.59 FEET TO A POINT, THENCE;
27. NORTH 11 DEGREES - 19 MINUTES - 39 SECONDS WEST, A DISTANCE OF 72.82 FEET TO A POINT OF NON-TANGENT CURVATURE, THENCE;
28. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 128.00 FEET, AN ARC LENGTH OF 44.86 FEET, A CENTRAL ANGLE OF 20 DEGREES - 04 MINUTES - 46 SECONDS, BEARING A CHORD OF NORTH 42 DEGREES - 45 MINUTES - 29 SECONDS WEST, A CHORD DISTANCE OF 44.63 FEET TO A POINT OF TANGENCY, THENCE;
29. NORTH 52 DEGREES - 47 MINUTES - 52 SECONDS WEST, A DISTANCE OF 85.11 FEET TO A POINT, THENCE;

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30. NORTH 11 DEGREES - 20 MINUTES - 02 SECONDS WEST, A DISTANCE OF 377.68 FEET TO A POINT OF CURVATURE, THENCE;
31. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 10.00 FEET, AN ARC LENGTH OF 15.83 FEET, A CENTRAL ANGLE OF 90 DEGREES - 41 MINUTES - 21 SECONDS, BEARING A CHORD OF NORTH 56 DEGREES - 40 MINUTES - 43 SECONDS WEST, A CHORD DISTANCE OF 14.23 FEET TO A POINT OF TANGENCY, THENCE;
32. SOUTH 77 DEGREES - 58 MINUTES - 37 SECONDS WEST, A DISTANCE OF 146.41 FEET TO A POINT, THENCE;
33. NORTH 12 DEGREES - 01 MINUTES - 23 SECONDS WEST, A DISTANCE OF 60.00 FEET TO A POINT, THENCE;
34. NORTH 77 DEGREES - 58 MINUTES - 37 SECONDS EAST, A DISTANCE OF 147.37 FEET TO A POINT OF CURVATURE, THENCE;
35. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 10.00 FEET, AN ARC LENGTH OF 15.59 FEET, A CENTRAL ANGLE OF 89 DEGREES - 18 MINUTES - 39 SECONDS, BEARING A CHORD OF NORTH 33 DEGREES - 19 MINUTES - 17 SECONDS EAST, A CHORD DISTANCE OF 14.06 FEET TO A POINT OF TANGENCY, THENCE;
36. NORTH 11 DEGREES - 20 MINUTES - 02 SECONDS WEST, A DISTANCE OF 540.55 FEET TO A POINT OF CURVATURE, THENCE;
37. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 119.50 FEET, AN ARC LENGTH OF 226.31 FEET, A CENTRAL ANGLE OF 108 DEGREES - 30 MINUTES - 24 SECONDS, BEARING A CHORD OF NORTH 65 DEGREES - 35 MINUTES - 14 SECONDS WEST, A CHORD DISTANCE OF 193.97 FEET TO A POINT OF TANGENCY, THENCE;

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38. SOUTH 60 DEGREES - 09 MINUTES - 34 SECONDS WEST, A DISTANCE OF 35.63 FEET TO A POINT OF CURVATURE, THENCE;
39. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 580.30 FEET, AN ARC LENGTH OF 270.76 FEET, A CENTRAL ANGLE OF 26 DEGREES - 44 MINUTES - 00 SECONDS, BEARING A CHORD OF SOUTH 46 DEGREES - 47 MINUTES - 34 SECONDS WEST, A CHORD DISTANCE OF 268.31 FEET TO A POINT OF TANGENCY, THENCE;
40. SOUTH 33 DEGREES - 25 MINUTES - 34 SECONDS WEST, A DISTANCE OF 17.01 FEET TO A POINT OF CURVATURE, THENCE;
41. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 199.50 FEET, AN ARC LENGTH OF 12.57 FEET, A CENTRAL ANGLE OF 03 DEGREES - 36 MINUTES - 33 SECONDS, BEARING A CHORD OF SOUTH 31 DEGREES - 37 MINUTES - 18 SECONDS WEST, A CHORD DISTANCE OF 12.56 FEET TO A POINT OF TANGENCY, THENCE;
42. SOUTH 24 DEGREES - 09 MINUTES - 35 SECONDS WEST, A DISTANCE OF 39.33 FEET TO A POINT OF CURVATURE, THENCE;
43. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 199.50 FEET, AN ARC LENGTH OF 106.29 FEET, A CENTRAL ANGLE OF 30 DEGREES - 31 MINUTES - 31 SECONDS, BEARING A CHORD OF SOUTH 03 DEGREES - 14 MINUTES - 22 SECONDS WEST, A CHORD DISTANCE OF 105.03 FEET TO A POINT OF TANGENCY, THENCE;
44. SOUTH 12 DEGREES - 01 MINUTE - 23 SECONDS EAST, A DISTANCE OF 351.66 FEET TO A POINT OF CURVATURE, THENCE;

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45. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 10.00 FEET, AN ARC LENGTH OF 15.71 FEET, A CENTRAL ANGLE OF 90 DEGREES - 00 MINUTES - 00 SECONDS, BEARING A CHORD OF SOUTH 57 DEGREES - 01 MINUTES - 23 SECONDS EAST, A CHORD DISTANCE OF 14.14 FEET TO A POINT OF TANGENCY, THENCE;
46. NORTH 77 DEGREES - 58 MINUTES - 37 SECONDS EAST, A DISTANCE OF 61.73 FEET TO A POINT, THENCE;
47. SOUTH 12 DEGREES - 01 MINUTE - 23 SECONDS EAST, A DISTANCE OF 60.00 FEET TO A POINT, THENCE;
48. SOUTH 77 DEGREES - 58 MINUTES - 37 SECONDS WEST, A DISTANCE OF 184.67 FEET TO A POINT, THENCE;
49. NORTH 12 DEGREES - 01 MINUTE - 11 SECONDS WEST, A DISTANCE OF 70.67 FEET TO A POINT, THENCE;
50. NORTH 77 DEGREES - 58 MINUTES - 37 SECONDS EAST, A DISTANCE OF 52.94 FEET TO A POINT OF CURVATURE, THENCE;
51. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 10.00 FEET, AN ARC LENGTH OF 15.71 FEET, A CENTRAL ANGLE OF 90 DEGREES - 00 MINUTES - 00 SECONDS, BEARING A CHORD OF NORTH 32 DEGREES - 58 MINUTES - 37 SECONDS EAST, A CHORD DISTANCE OF 14.14 FEET TO A POINT OF TANGENCY, THENCE;
52. NORTH 12 DEGREES - 01 MINUTE - 23 SECONDS WEST, A DISTANCE OF 435.30 FEET TO A POINT ON THE SOUTHERLY LINE OF LANDS OF THE COUNTY OF WESTCHESTER, THENCE; ALONG SAID LANDS OF THE COUNTY OF WESTCHESTER, THE FOLLOWING FIVE (5) COURSES:
53. NORTH 35 DEGREES - 00 MINUTE - 57 SECONDS EAST, A DISTANCE OF 98.58 FEET TO A POINT, THENCE;

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54. NORTH 33 DEGREES - 25 MINUTES - 34 SECONDS EAST, A DISTANCE OF 126.25 FEET TO A POINT, THENCE;
55. NORTH 48 DEGREES - 37 MINUTES - 32 SECONDS EAST, A DISTANCE OF 75.80 FEET TO A POINT, THENCE;
56. NORTH 55 DEGREES - 22 MINUTES - 33 SECONDS EAST, A DISTANCE OF 70.76 FEET TO A POINT, THENCE;
57. NORTH 60 DEGREES - 09 MINUTES - 34 SECONDS EAST, A DISTANCE OF 84.02 FEET TO A POINT OF CURVATURE, THENCE;
58. ALONG OTIS DRIVE ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 157.50 FEET, AN ARC LENGTH OF 298.27 FEET, A CENTRAL ANGLE OF 108 DEGREES - 30 MINUTES - 24 SECONDS, BEARING A CHORD OF SOUTH 65 DEGREES - 35 MINUTES - 14 SECONDS EAST, A CHORD DISTANCE OF 255.66 FEET TO A POINT OF TANGENCY, THENCE;
59. PARTIALLY ALONG OTIS DRIVE AND THE LANDS OF THE COUNTY OF WESTCHESTER, SOUTH 11 DEGREES - 20 MINUTES - 02 SECONDS EAST, A DISTANCE OF 971.65, THENCE;
60. CONTINUING ALONG THE LANDS OF THE COUNTY OF WESTCHESTER, SOUTH 79 DEGREES - 55 MINUTES - 26 SECONDS EAST, A DISTANCE OF 8.58 FEET TO A POINT, THENCE; ALONG OTIS DRIVE THE FOLLOWING THREE (3) COURSES:
61. SOUTH 52 DEGREES - 47 MINUTES - 52 SECONDS EAST, A DISTANCE OF 72.24 FEET TO A POINT OF CURVATURE, THENCE;
62. ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 178.00 FEET, AN ARC LENGTH OF 146.96 FEET, A CENTRAL ANGLE OF 47 DEGREES - 18 MINUTES - 11 SECONDS, BEARING A CHORD OF

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SOUTH 29 DEGREES - 08 MINUTES - 46 SECONDS EAST, A CHORD
DISTANCE OF 142.82 FEET TO A POINT OF TANGENCY, THENCE;

63. SOUTH 05 DEGREES - 29 MINUTES - 41 SECONDS EAST, A
DISTANCE OF 90.66 FEET TO A POINT ON THE LANDS OF
CONSOLIDATED EDISON, THENCE; CONTINUING ALONG THE
LANDS OF CONSOLIDATED EDISON, THE FOLLOWING SIX (6)
COURSES:
64. SOUTH 65 DEGREES - 11 MINUTES - 34 SECONDS WEST, A
DISTANCE OF 6.20 FEET TO A POINT, THENCE;
65. SOUTH 17 DEGREES - 36 MINUTES - 16 SECONDS EAST, A
DISTANCE OF 196.32 FEET TO A POINT, THENCE;
66. SOUTH 07 DEGREES - 30 MINUTES - 36 SECONDS WEST, A
DISTANCE OF 772.01 FEET TO A POINT, THENCE;
67. SOUTH 07 DEGREES - 52 MINUTES - 29 SECONDS WEST, A
DISTANCE OF 854.99 FEET TO A POINT, THENCE;
68. SOUTH 45 DEGREES - 25 MINUTES - 12 SECONDS WEST, A
DISTANCE OF 287.07 FEET TO A POINT, THENCE;
69. NORTH 68 DEGREES - 30 MINUTES - 14 SECONDS WEST, A
DISTANCE OF 171.31 FEET TO A POINT, THENCE;
70. PARTIALLY ALONG LANDS OF CONSOLIDATED EDISON AND
RIDGE HILL BOULEVARD EXTENSION NORTH 70 DEGREES - 06
MINUTES - 24 SECONDS WEST, A DISTANCE OF 262.83 FEET TO
THE POINT AND PLACE OF BEGINNING.

(CONTAINING 265,816 SQUARE FEET OR 6.102 ACRES.

THFOREGOING DESCRIPTION WAS PREPARED WITH REFERENCE TO A
MAP ENTITLED, "FINAL SUBDIVISION PLAT, RIDGE HILL, NEW YORK
THRUWAY (INTERSTATE 87), CITY OF YONKERS, WESTCHESTER

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SPECIAL ORDINANCE NO.4-2013 (CONTINUED)

COUNTY, STATE OF NEW YORK.”, PREPARED BY CONTROL POINT ASSOCIATES, INC, DATED MAY 22, 2006, LAST REVISED MARCH 18, 2011 AS REVISION 9 AND FILED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK DIVISION OF LAND RECORDS ON MAY 4, 2011 AS RO NUMBER 28475) is hereby accepted for dedication and is declared to be a public street or highway of the City of Yonkers.

Section 2. The affected City departments, bureaus and agencies shall amend the necessary City records accordingly.

Section 3. Said Otis Drive is shown on the map annexed hereto as Exhibit A and made a part hereof.

Section 4. The description set forth herein shall be entered at length in the minutes of the City Council, and the map annexed hereto shall be filed in the office of the City Clerk; and copies thereof duly certified by the City Clerk shall be presumptive evidence in any proceeding of the location of said street or highway.

Section 5 All Resolutions and Special Ordinances shall take effect upon the execution of all necessary and relevant documents and agreements related to the dedication of Ridge Hill Boulevard, Ridge Hill Lane and Otis Drive and the relevant utilities and infrastructure, all of which must be in a form and substance satisfactory to the Corporation Counsel and which shall be completed within thirty (30) days of the passage of said Resolutions and Special Ordinances, or as extended by a vote of a majority of the City Council.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, FEBRUARY 13, 2013 BY VOTE OF 7-0.

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SPECIAL ORDINANCE NO.5-2013

- .2. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

A SPECIAL ORDINANCE ACCEPTING DEDICATION OF RIDGE HILL BOULEVARD (PARCEL 1) LYING BETWEEN CERTAIN LANDS OF THE NEW YORK STATE THRUWAY AUTHORITY AND BLOCK 4001, LOTS 150 AND 160 ON THE OFFICIAL ASSESSMENT MAP OF THE CITY OF YONKERS; RIDGE HILL BOULEVARD (PARCEL 2) LYING BETWEEN TUCKAHOE ROAD AND BLOCK 4061, LOT 1 AND BLOCK 4074, LOT 1 ON THE OFFICIAL ASSESSMENT MAP OF THE CITY OF YONKERS; AND RIDGE HILL LANE LYING BETWEEN BLOCK 4000, LOT 1 AND BLOCK 4000, LOT 100 ON THE OFFICIAL ASSESSMENT MAP OF THE CITY OF YONKERS, AND DECLARING THE SAME TO BE PUBLIC STREETS OR HIGHWAYS OF THE CITY OF YONKERS.

The City of Yonkers, in City Council convened, hereby Ordains and Enacts:

Section 1. Ridge Hill Boulevard Parcel 1, which is bounded and described as follows:

BEGINNING AT A POINT FORMED BY THE INTERSECTION OF THE DIVIDING LINE BETWEEN NEW YORK STATE THRUWAY (INTERSTATE 87) ON THE WEST, AND THE HEREIN DESCRIBED PREMISES ON THE EAST WITH THE DIVIDING LINE BETWEEN LANDS NOW OR FORMERLY OF THE COUNTY OF WESTCHESTER ON THE NORTH AND FROM SAID POINT OF BEGINNING RUNNING, THENCE THE FOLLOWING COURSES ALONG RIDGE HILL BOULEVARD;

1. NORTH 73 DEGREES - 10 MINUTES - 40 SECONDS EAST, A DISTANCE OF 30.09 FEET TO A POINT OF NON-TANGENT CURVATURE, THENCE;
2. ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 376.50 FEET, AN ARC LENGTH OF 110.18 FEET, A CENTRAL ANGLE OF 16 DEGREES - 46 MINUTES - 04 SECONDS, BEARING A CHORD OF

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SPECIAL ORDINANCE NO.5-2013 (CONTINUED)

SOUTH 67 DEGREES - 51 MINUTES - 53 SECONDS EAST, A CHORD
DISTANCE OF 109.79 FEET TO A POINT OF CURVATURE, THENCE;

3. ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 258.50
FEET, AN ARC LENGTH OF 127.20 FEET, A CENTRAL ANGLE OF 28
DEGREES - 11 MINUTES - 40 SECONDS, BEARING A CHORD OF
SOUTH 45 DEGREES - 23 MINUTES - 01 SECOND EAST, A CHORD
DISTANCE OF 125.93 FEET TO A POINT OF TANGENCY, THENCE;
4. SOUTH 31 DEGREES - 17 MINUTES - 11 SECONDS EAST, A
DISTANCE OF 557.93 FEET TO A POINT OF CURVATURE, THENCE;
5. ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 2,045.00
FEET, AN ARC LENGTH OF 686.39 FEET, A CENTRAL ANGLE OF 19
DEGREES - 13 MINUTES - 51 SECONDS, BEARING A CHORD OF
SOUTH 21 DEGREES - 40 MINUTES - 15 SECONDS EAST, A CHORD
DISTANCE OF 683.17 FEET TO A POINT OF TANGENCY, THENCE;
6. SOUTH 12 DEGREES - 03 MINUTES - 20 SECONDS EAST, A
DISTANCE OF 611.27 FEET TO A POINT OF CURVATURE, THENCE;
7. ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 430.00
FEET, AN ARC LENGTH OF 327.79 FEET, A CENTRAL ANGLE OF 43
DEGREES - 40 MINUTES - 34 SECONDS, BEARING A CHORD OF
SOUTH 09 DEGREES - 46 MINUTES - 57 SECONDS WEST, A CHORD
DISTANCE OF 319.91 FEET TO A POINT OF TANGENCY, THENCE;
8. SOUTH 31 DEGREES - 37 MINUTES - 14 SECONDS WEST, A
DISTANCE OF 341.45 FEET TO A POINT OF CURVATURE, THENCE;
9. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 255.00 FEET,
AN ARC LENGTH OF 191.69 FEET, A CENTRAL ANGLE OF 43
DEGREES - 04 MINUTES - 17 SECONDS, BEARING A CHORD OF
SOUTH 10 DEGREES - 05 MINUTES - 06 SECONDS WEST, A CHORD
DISTANCE OF 187.21 FEET TO A POINT OF TANGENCY, THENCE;

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SPECIAL ORDINANCE NO.5-2013 (CONTINUED)

10. SOUTH 11 DEGREES - 27 MINUTES - 03 SECONDS EAST, A DISTANCE OF 242.20 FEET TO A POINT, THENCE THE FOLLOWING 4 (FOUR) COURSES ALONG RIDGE HILL BOULEVARD AND RIDGE HILL BOULEVARD EXTENSION;
11. NORTH 70 DEGREES - 06 MINUTES - 24 SECONDS WEST, A DISTANCE OF 44.21 FEET TO A POINT, THENCE;
12. SOUTH 02 DEGREES - 28 MINUTES - 46 SECONDS WEST, A DISTANCE OF 48.93 FEET TO A POINT, THENCE;
13. SOUTH 03 DEGREES - 33 MINUTES - 14 SECONDS EAST, A DISTANCE OF 137.83 FEET TO A POINT, THENCE;
14. NORTH 72 DEGREES - 05 MINUTES - 14 SECONDS WEST, A DISTANCE 24.70 FEET TO A POINT, THENCE THE FOLLOWING COURSES ALONG RIDE HILL BOULEVARD;
15. NORTH 11 DEGREES - 27 MINUTES - 03 SECONDS WEST, A DISTANCE OF 391.11 FEET TO A POINT OF CURVATURE, THENCE;
16. ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 345.00 FEET, AN ARC LENGTH OF 259.35 FEET, A CENTRAL ANGLE OF 43 DEGREES - 04 MINUTES - 17 SECONDS, BEARING A CHORD OF NORTH 10 DEGREES - 05 MINUTES - 06 SECONDS EAST, A CHORD DISTANCE OF 253.29 FEET TO A POINT OF TANGENCY, THENCE;
17. NORTH 31 DEGREES - 37 MINUTES - 14 SECONDS EAST, A DISTANCE OF 341.45 FEET TO A POINT OF CURVATURE, THENCE;
18. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 340.00 FEET, AN ARC LENGTH OF 259.18 FEET, A CENTRAL ANGLE OF 43 DEGREES - 40 MINUTES - 34 SECONDS, BEARING A CHORD OF NORTH 09 DEGREES - 46 MINUTES - 57 SECONDS EAST, A CHORD DISTANCE OF 252.95 FEET TO A POINT, THENCE;

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SPECIAL ORDINANCE NO.5-2013 (CONTINUED)

19. NORTH 12 DEGREES - 03 MINUTES - 20 SECONDS WEST, A
DISTANCE OF 611.27 FEET TO A POINT OF CURVATURE, THENCE;
20. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1955.00 FEET,
AN ARC LENGTH OF 656.17 FEET, A CENTRAL ANGLE OF 19
DEGREES - 13 MINUTES - 51 SECONDS, BEARING A CHORD OF
NORTH 21 DEGREES - 40 MINUTES - 15 SECONDS WEST, A CHORD
DISTANCE OF 653.10 FEET TO A POINT OF TANGENCY, THENCE;
21. NORTH 31 DEGREES - 17 MINUTES - 11 SECONDS WEST, A
DISTANCE OF 254.10 FEET TO A POINT, THENCE;
22. NORTH 33 DEGREES - 52 MINUTES - 44 SECONDS WEST, A
DISTANCE OF 249.38 FEET TO A POINT OF CURVATURE, THENCE;
23. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 274.50 FEET,
AN ARC LENGTH OF 139.43 FEET, A CENTRAL ANGLE OF 29
DEGREES - 06 MINUTES - 09 SECONDS, BEARING A CHORD OF
NORTH 48 DEGREES - 25 MINUTES - 49 SECONDS WEST, A CHORD
DISTANCE OF 137.93 FEET TO A POINT, THENCE;
24. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 37.50 FEET,
AN ARC LENGTH OF 40.08 FEET, A CENTRAL ANGLE OF 61
DEGREES - 14 MINUTES - 18 SECONDS, BEARING A CHORD OF
SOUTH 86 DEGREES - 23 MINUTES - 58 SECONDS WEST, A CHORD
DISTANCE OF 38.20 FEET TO A POINT, THENCE;
25. SOUTH 05 DEGREES - 08 MINUTES - 54 SECONDS EAST, A
DISTANCE OF 47.60 FEET TO A POINT, THENCE;
26. NORTH 74 DEGREES - 31 MINUTES - 12 SECONDS EAST, A
DISTANCE OF 6.59 FEET TO A POINT, THENCE;
27. NORTH 15 DEGREES - 28 MINUTES - 48 SECONDS WEST, A
DISTANCE OF 85.25 TO THE POINT AND PLACE OF BEGINNING

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SPECIAL ORDINANCE NO.5-2013 (CONTINUED)

(CONTAINING 294,604 SQUARE FEET OR 6.763 ACRES. THE FOREGOING DESCRIPTION WAS PREPARED WITH REFERENCE TO A MAP ENTITLED, "FINAL SUBDIVISION PLAT, RIDGE HILL, NEW YORK THRUWAY (INTERSTATE 87), CITY OF YONKERS, WESTCHESTER COUNTY, STATE OF NEW YORK.", PREPARED BY CONTROL POINT ASSOCIATES, INC, DATED MAY 22, 2006, LAST REVISED MARCH 18, 2011 AS REVISION 9 AND FILED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK DIVISION OF LAND RECORDS ON MAY 4, 2011 AS RO NUMBER 28475)

is hereby accepted for dedication and is declared to be a public street or highway of the City of Yonkers.

Section 2. Ridge Hill Boulevard Parcel 2, which is bounded and described as follows:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF TUCKAHOE ROAD, SAID POINT OF BEGINNING BEING DISTANT ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,071.55 FEET, AN ARC LENGTH OF 284.49 FEET, A CENTRAL ANGLE OF 15 DEGREES - 12 MINUTES - 40 SECONDS, BEARING A CHORD OF SOUTH 73 DEGREES - 18 MINUTES - 46 SECONDS EAST, A CHORD DISTANCE OF 283.65 FEET FROM A POINT FORMED BY THE INTERSECTION OF THE NORTHWESTERLY LINE OF GRASSY SPRAIN ROAD WITH THE NORTHEASTERLY LINE OF TUCKAHOE ROAD, FROM SAID POINT OF BEGINNING RUNNING THE FOLLOWING TWO (2) COURSES ALONG SAID TUCKAHOE ROAD:

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SPECIAL ORDINANCE NO.5-2013 (CONTINUED)

1. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1,071.55 FEET, AN ARC LENGTH OF 87.62 FEET, A CENTRAL ANGLE OF 04 DEGREES - 41 MINUTES - 07 SECONDS, BEARING A CHORD OF NORTH 83 DEGREES - 15 MINUTES - 39 SECONDS WEST, A CHORD DISTANCE OF 87.60 FEET TO A POINT OF CURVATURE, THENCE;
2. ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,167.00 FEET, AN ARC LENGTH OF 27.15 FEET, A CENTRAL ANGLE OF 01 DEGREE - 19 MINUTES - 59 SECONDS, BEARING A CHORD OF NORTH 66 DEGREES - 37 MINUTES - 59 SECONDS WEST, A CHORD DISTANCE OF 27.15 FEET TO A POINT OF NON-TANGENCY, THENCE THE FOLLOWING COURSES ALONG RIDGE HILL BOULEVARD;
3. NORTH 21 DEGREES - 46 MINUTES - 32 SECONDS EAST, A DISTANCE OF 132.85 FEET TO A POINT, THENCE;
4. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 551.50 FEET, AN ARC LENGTH OF 53.44 FEET, A CENTRAL ANGLE OF 05 DEGREES - 33 MINUTES - 06 SECONDS, BEARING A CHORD OF NORTH 15 DEGREES - 15 MINUTES - 00 SECONDS EAST, A CHORD DISTANCE OF 53.42 FEET TO A POINT OF TANGENCY, THENCE;
5. NORTH 20 DEGREES - 55 MINUTES - 53 SECONDS EAST, A DISTANCE OF 64.45 FEET TO A POINT, THENCE;
6. NORTH 43 DEGREES - 23 MINUTES - 32 SECONDS EAST, A DISTANCE OF 8.11 FEET TO A POINT, THENCE;
7. NORTH 44 DEGREES - 28 MINUTES - 38 SECONDS WEST, A DISTANCE OF 6.60 FEET TO A POINT, THENCE;
8. NORTH 09 DEGREES - 45 MINUTES - 43 SECONDS EAST, A DISTANCE OF 7.42 FEET TO A POINT OF CURVATURE, THENCE;

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SPECIAL ORDINANCE NO.5-2013 (CONTINUED)

9. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 462.50 FEET, AN ARC LENGTH OF 468.87 FEET, A CENTRAL ANGLE OF 58 DEGREES - 05 MINUTES - 04 SECONDS, BEARING A CHORD OF NORTH 19 DEGREES - 16 MINUTES - 49 SECONDS WEST, A CHORD DISTANCE OF 449.05 FEET TO A POINT OF TANGENCY, THENCE;
10. NORTH 48 DEGREES - 19 MINUTES - 21 SECONDS WEST, A DISTANCE OF 99.02 FEET TO A POINT, THENCE;
11. NORTH 35 DEGREES - 31 MINUTES - 23 SECONDS WEST, A DISTANCE OF 23.94 FEET TO A POINT, THENCE;
12. NORTH 60 DEGREES - 07 MINUTES - 33 SECONDS WEST, A DISTANCE OF 25.92 FEET TO A POINT, THENCE;
13. NORTH 48 DEGREES - 19 MINUTES - 21 SECONDS WEST, A DISTANCE OF 43.58 FEET TO A POINT OF CURVATURE, THENCE;
14. ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1012.50 FEET, AN ARC LENGTH OF 683.57 FEET, A CENTRAL ANGLE OF 38 DEGREES - 40 MINUTES - 56 SECONDS, BEARING A CHORD OF NORTH 28 DEGREES - 58 MINUTES - 53 SECONDS WEST, A CHORD DISTANCE OF 670.66 FEET TO A POINT OF TANGENCY, THENCE;
15. NORTH 09 DEGREES - 38 MINUTES - 25 SECONDS WEST, A DISTANCE OF 250.16 FEET TO A POINT, THENCE;
16. NORTH 00 DEGREES - 04 MINUTES - 12 SECONDS WEST, A DISTANCE OF 114.81 FEET TO A POINT, THENCE
17. NORTH 01 DEGREE - 13 MINUTES - 31 SECONDS WEST, A DISTANCE OF 233.91 FEET TO A POINT OF CURVATURE, THENCE;
18. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 427.50 FEET, AN ARC LENGTH OF 76.29 FEET, A CENTRAL ANGLE OF 10 DEGREES - 13 MINUTES - 31 SECONDS, BEARING A CHORD OF

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SPECIAL ORDINANCE NO.5-2013 (CONTINUED)

NORTH 06 DEGREES - 20 MINUTES - 17 SECONDS WEST, A CHORD
DISTANCE OF 76.19 FEET TO A POINT OF TANGENCY, THENCE;

19. NORTH 11 DEGREES - 27 MINUTES - 02 SECONDS WEST, A
DISTANCE OF 35.09 FEET TO A POINT, THENCE;
20. SOUTH 72 DEGREES - 05 MINUTES - 14 SECONDS EAST, A
DISTANCE OF 56.26 FEET TO A POINT, THENCE;
21. NORTH 03 DEGREES - 33 MINUTES - 14 SECONDS WEST, A
DISTANCE OF 137.83 FEET TO A POINT, THENCE;
22. NORTH 02 DEGREES - 28 MINUTES - 46 SECONDS EAST, A
DISTANCE OF 48.93 FEET TO A POINT, THENCE;
23. SOUTH 70 DEGREES - 06 MINUTES - 24 SECONDS EAST, A
DISTANCE OF 149.66 FEET TO A POINT, THENCE;
24. SOUTH 49 DEGREES - 29 MINUTES - 31 SECONDS WEST, A
DISTANCE OF 46.55 FEET TO A POINT, THENCE;
25. SOUTH 00 DEGREES - 07 MINUTES - 43 SECONDS WEST, A
DISTANCE OF 186.61 FEET TO A POINT, THENCE;
26. SOUTH 01 DEGREE - 05 MINUTES - 06 SECONDS WEST, A
DISTANCE OF 245.22 FEET TO A POINT, THENCE;
27. SOUTH 00 DEGREES - 04 MINUTES - 12 SECONDS EAST, A
DISTANCE OF 112.96 FEET TO A POINT, THENCE;
28. SOUTH 02 DEGREES - 24 MINUTES - 04 SECONDS WEST, A
DISTANCE OF 200.88 FEET TO A POINT OF CURVATURE OF A NON-
TANGENT CURVE, THENCE;
29. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 929.50 FEET,
AN ARC LENGTH OF 393.79 FEET, A CENTRAL ANGLE OF 24
DEGREES - 16 MINUTES - 26 SECONDS, BEARING A CHORD OF

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SPECIAL ORDINANCE NO.5-2013 (CONTINUED)

- SOUTH 19 DEGREES - 39 MINUTES - 13 SECONDS EAST, A CHORD
DISTANCE OF 390.86 FEET TO A POINT OF TANGENCY, THENCE;
30. SOUTH 39 DEGREES - 46 MINUTES - 13 SECONDS EAST, A
DISTANCE OF 129.03 FEET TO A POINT OF CURVATURE, THENCE;
31. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 920.50 FEET,
AN ARC LENGTH OF 99.96 FEET, A CENTRAL ANGLE OF 06
DEGREES - 13 MINUTES - 18 SECONDS, BEARING A CHORD OF
SOUTH 42 DEGREES - 52 MINUTES - 52 SECONDS EAST, A CHORD
DISTANCE OF 99.91 FEET TO A POINT OF TANGENCY, THENCE;
32. SOUTH 45 DEGREES - 59 MINUTES - 31 SECONDS EAST, A
DISTANCE OF 251.15 FEET TO A POINT OF CURVATURE, THENCE;
33. ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 545.50
FEET, AN ARC LENGTH OF 372.04 FEET, A CENTRAL ANGLE OF 39
DEGREES - 04 MINUTES - 34 SECONDS, BEARING A CHORD OF
SOUTH 26 DEGREES - 27 MINUTES - 14 SECONDS EAST, A CHORD
DISTANCE OF 364.87 FEET TO A POINT IN GRASSY LANE, THENCE;
34. SOUTH 63 DEGREES - 57 MINUTES - 52 SECONDS EAST, A
DISTANCE OF 110.40 FEET TO A POINT, THENCE;
35. SOUTH 18 DEGREES - 48 MINUTES - 08 SECONDS WEST, A
DISTANCE OF 108.59 FEET TO A POINT, THENCE;
36. NORTH 60 DEGREES - 24 MINUTES - 16 SECONDS WEST, A
DISTANCE OF 75.85 FEET TO A POINT OF CURVATURE, THENCE;
37. ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 545.50
FEET, AN ARC LENGTH OF 114.45 FEET, A CENTRAL ANGLE OF 12
DEGREES - 01 MINUTE - 16 SECONDS, BEARING A CHORD OF
SOUTH 11 DEGREES - 09 MINUTES - 42 SECONDS WEST, A CHORD
DISTANCE OF 114.24 FEET TO A POINT, THENCE;

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SPECIAL ORDINANCE NO.5-2013 (CONTINUED)

38. ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 637.50 FEET, AN ARC LENGTH OF 121.73 FEET, A CENTRAL ANGLE OF 10 DEGREES - 56 MINUTES - 25 SECONDS, BEARING A CHORD OF SOUTH 16 DEGREES - 34 MINUTES - 27 SECONDS WEST, A CHORD DISTANCE OF 121.54 FEET TO A POINT OF TANGENCY, THENCE;
39. SOUTH 22 DEGREES - 02 MINUTES - 39 SECONDS WEST, A DISTANCE OF 42.14 TO A POINT OF CURVATURE, THENCE;
40. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 30.00 FEET, AN ARC LENGTH OF 42.00 FEET, A CENTRAL ANGLE OF 80 DEGREES - 13 MINUTES - 02 SECONDS, BEARING A CHORD OF SOUTH 18 DEGREES - 03 MINUTES - 51 SECONDS EAST, A CHORD DISTANCE OF 38.65 TO THE POINT AND PLACE OF BEGINNING.

(CONTAINING 249,406 SQUARE FEET OR 5.726 ACRES. THE FOREGOING DESCRIPTION WAS PREPARED WITH REFERENCE TO A MAP ENTITLED, "FINAL SUBDIVISION PLAT, RIDGE HILL BOULEVARD PART OF LOTS 1, 100, & 125, BLOCK 4000, PART OF LOTS 150, 160, 185, 187, 190, 195 & 214, BLOCK 4001 AND PART OF LOT 32, BLOCK 4025, CITY OF YONKERS, WESTCHESTER COUNTY, STATE OF NEW YORK.", PREPARED BY CONTROL POINT ASSOCIATES, INC, DATED MAY 17, 2010, LAST REVISED APRIL 4, 2011 AS REVISION NUMBER 1 AND FILED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK DIVISION OF LAND RECORDS ON JUNE 23, 2011 AS RO NUMBER 28488)

is hereby accepted for dedication and is declared to be a public street or highway of the City of Yonkers.

Section 3. Ridge Hill Lane, which is bounded and described as follows:

BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF GRASSY SPRAIN ROAD, SAID POINT OF BEGINNING BEING DISTANT NORTH 26 DEGREES - 02 MINUTES - 12 SECONDS EAST, A DISTANCE OF 79.21 FEET FROM A POINT FORMED BY THE INTERSECTION OF THE NORTHWESTERLY LINE OF SAID GRASSY SPRAIN ROAD WITH THE NORTHEASTERLY LINE OF TUCKAHOE ROAD, FROM SAID POINT OF

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SPECIAL ORDINANCE NO.5-2013 (CONTINUED)

BEGINNING RUNNING THENCE THE FOLLOWING COURSES ALONG RIDGE HILL LANE;

1. NORTH 62 DEGREES - 10 MINUTES - 05 SECONDS WEST, A DISTANCE OF 61.69 FEET TO A POINT, THENCE;
2. NORTH 05 DEGREES - 23 MINUTES - 43 SECONDS WEST, A DISTANCE OF 98.09 FEET TO A POINT, THENCE;
3. NORTH 76 DEGREES - 08 MINUTES - 28 SECOND WEST, A DISTANCE OF 3.13 FEET TO A POINT, THENCE;
4. NORTH 46 DEGREES - 35 MINUTES - 57 SECONDS WEST, A DISTANCE OF 50.71 FEET TO A POINT, THENCE;
5. NORTH 76 DEGREES - 08 MINUTES - 28 SECONDS WEST, A DISTANCE OF 169.24 FEET TO A POINT, THENCE;
6. ALONG THE TERMINUS OF RIDGE HILL LANE AND RIDGE HILL BOULEVARD ON A CURVE TO THE LEFT, HAVING A RADIUS OF 545.50 FEET, AN ARC LENGTH OF 114.45 FEET, A CENTRAL ANGLE OF 12 DEGREES - 01 MINUTE - 16 SECONDS, BEARING A CHORD OF NORTH 11 DEGREES - 09 MINUTES - 42 SECONDS EAST, A CHORD DISTANCE OF 114.24 FEET TO A POINT, THENCE;
7. PARTIALLY ALONG THE TERMINUS OF RIDGE HILL BOULEVARD AND RIDGE HILL LANE SOUTH 60 DEGREES - 24 MINUTES - 16 SECONDS EAST, A DISTANCE OF 135.59 FEET TO A POINT OF CURVATURE, THENCE THE FOLLOWING COURSES ALONG RIDGE HILL LANE;
8. ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 327.50 FEET, AN ARC LENGTH OF 78.91 FEET, A CENTRAL ANGLE OF 13 DEGREES - 48 MINUTES - 19 SECONDS, BEARING A CHORD OF SOUTH 53 DEGREES - 30 MINUTES - 07 SECONDS EAST, A CHORD DISTANCE OF 78.72 FEET TO A POINT OF TANGENCY, THENCE;

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SPECIAL ORDINANCE NO.5-2013 (CONTINUED)

9. SOUTH 46 DEGREES - 35 MINUTES - 57 SECONDS EAST, A DISTANCE OF 94.02 FEET TO A POINT OF CURVATURE, THENCE;
10. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 272.50 FEET, AN ARC LENGTH OF 57.77 FEET, A CENTRAL ANGLE OF 12 DEGREES - 08 MINUTES - 45 SECONDS, BEARING A CHORD OF SOUTH 52 DEGREES - 40 MINUTES - 19 SECONDS EAST, A CHORD DISTANCE OF 57.66 FEET TO A POINT ON THE NORTHWESTERLY LINE OF GRASSY SPRAIN ROAD, THENCE;
11. ALONG THE NORTHWESTERLY LINE OF GRASSY SPRAIN ROAD, SOUTH 26 DEGREES - 02 MINUTES - 12 SECONDS WEST, A DISTANCE OF 112.75 FEET TO THE POINT AND PLACE OF BEGINNING.

(CONTAINING 30,185 SQUARE FEET OR 0.693 ACRES. THE FOREGOING DESCRIPTION WAS PREPARED WITH REFERENCE TO A MAP ENTITLED, "FINAL SUBDIVISION PLAT, RIDGE HILL BOULEVARD PART OF LOTS 1, 100, & 125, BLOCK 4000, PART OF LOTS 150, 160, 185, 187, 190, 195 & 214, BLOCK 4001 AND PART OF LOT 32, BLOCK 4025, CITY OF YONKERS, WESTCHESTER COUNTY, STATE OF NEW YORK.", PREPARED BY CONTROL POINT ASSOCIATES, INC, DATED MAY 17, 2010, LAST REVISED APRIL 4, 2011 AS REVISION NUMBER 1 AND FILED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK DIVISION OF LAND RECORDS ON JUNE 23, 2011 AS RO NUMBER 28488)

is hereby accepted for dedication and is declared to be a public street or highway of the City of Yonkers.

Section 4. The affected City departments, bureaus and agencies shall amend the necessary City records accordingly.

Section 5. Said public streets or highways are shown on the maps annexed hereto as Exhibit A and made a part hereof.

Section 6. The descriptions set forth herein shall be entered at length in the minutes of the City Council, and the maps annexed hereto shall be filed in the

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SPECIAL ORDINANCE NO.5-2013 (CONTINUED)

office of the City Clerk; and copies thereof duly certified by the City Clerk shall be presumptive evidence in any proceeding of the location of said streets or highways.

Section 7. All Resolutions and Special Ordinances shall take effect upon the execution of all necessary and relevant documents and agreements related to the dedication of Ridge Hill Boulevard, Ridge Hill Lane and Otis Drive and the relevant utilities and infrastructure, all of which must be in a form and substance satisfactory to the Corporation Counsel and which shall be completed within thirty (30) days of the passage of said Resolutions and Special Ordinances, or as extended by a vote of a majority of the City Council.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, FEBRUARY 13, 2013 BY VOTE OF 7-0.

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SPECIAL ORDINANCE NO.6-2013

3. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

A SPECIAL ORDINANCE ACKNOWLEDGING AND ACCEPTING RESPONSIBILITY FOR INFRASTRUCTURE AND OPERATIONAL MAINTENANCE OF NEW YORK STATE THRUWAY IMPROVEMENTS IN ACCORDANCE WITH THE REQUIREMENTS OF THE MEMORANDUM OF AGREEMENT BY AND AMONG CITY OF YONKERS, NEW YORK, CITY OF YONKERS INDUSTRIAL DEVELOPMENT AGENCY AND NEW YORK STATE THRUWAY AUTHORITY, DATED AS OF NOVEMBER 1, 2007 AS AMENDED BY LETTER DATED FEBRUARY 1, 2008

The City of Yonkers, in City Council convened, hereby Ordains and Enacts:

Section 1. By Agreement titled "Memorandum of Agreement By and Among City of Yonkers, New York, City of Yonkers Industrial Development Agency and New York State Thruway Authority", dated November 1, 2007, amended by Letter dated February 1, 2008 (collectively, the "Agreement"), the City of Yonkers (the "City"), the City of Yonkers Industrial Development Agency (the "YIDA") and the New York State Thruway Authority (the "NYSTA"), entered into an Agreement the purpose of which was to set forth the agreed upon status of the parties with respect to the responsibilities for the transportation facilities within the reconstructed I-87 Interchange 6A area, including the roads, bridges and related transportation appurtenances within the City of Yonkers in connection with the development along Ridge Hill Boulevard. The subject improvements are shown on plans prepared by Philip Habib & Associates, entitled "Replacement of Ridge Hill Bridge and Improvement of Interchange 6A Plans" dated March 1, 2007 (the "Project Plans").

Pursuant to Article III of the Agreement, upon the completion of the work depicted on the Project Plans, the City agreed to perform certain infrastructure and operational maintenance, as set forth in the Jurisdictional Plan included as Exhibit A to the Agreement and as set forth below:

- (1) Maintain the guiderails, pavement subgrade, pavement surface, water utilities infrastructure, stormwater utilities infrastructure, traffic signage and

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striping, and traffic signals, and provide for snow removal and litter control on and with respect to the Stew Leonard Drive/Sprain Road Intersection Improvements as that location is defined in the Agreement;

- (2) Maintain the guiderails, pavement surface, water utilities infrastructure, stormwater utilities infrastructure, retaining walls, traffic signage and striping, and traffic signals on and with respect to the Service Road Southbound From Stew Leonard Drive as that location is defined in the Agreement;
- (3) Maintain the stormwater utilities infrastructure associated with the Sprain Brook Relocation/Culvert Installation as that location is defined in the Agreement;
- (4) Maintain the traffic signals on and with respect to the Southbound Thruway Entrance Ramp as that location is defined in the Agreement;
- (5) Maintain the traffic signals on and with respect to the Southbound Thruway Exit Ramp as that location is defined in the Agreement;
- (6) Maintain the guiderails, pavement surface, water utilities infrastructure, stormwater utilities infrastructure, bridge structure and retaining walls, traffic signage and striping, and traffic signals, and provide for snow removal and litter control on and with respect to the New Ridge Hill Boulevard Bridge as that location is defined in the Agreement;
- (7) Maintain the traffic signals on and with respect to the Northbound Thruway Exit Ramp as that location is defined in the Agreement;
- (8) Maintain the traffic signals on and with respect to the Northbound Thruway Entrance Ramp as that location is defined in the Agreement; and
- (9) Maintain the guiderails, pavement subgrade, pavement surface, stormwater utilities infrastructure, retaining walls, traffic signage and striping, and traffic signals on and with respect to the Northbound Service

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Road From Ramp to Stew Leonard Drive as that location is defined in the Agreement.

Section 2. The City Engineer has acknowledged and confirmed that the work depicted on the Project Plans has been completed in a satisfactory manner.

Section 3: In light of the completion of the work as shown on the Project Plans as acknowledged and confirmed by the City Engineer, the City hereby accepts and acknowledges its responsibility for maintenance of the improvements set forth above and as required pursuant to the Agreement.

Section 4 All Resolutions and Special Ordinances shall take effect upon the execution of all necessary and relevant documents and agreements related to the dedication of Ridge Hill Boulevard, Ridge Hill Lane and Otis Drive and the relevant utilities and infrastructure, all of which must be in a form and substance satisfactory to the Corporation Counsel and which shall be completed within thirty (30) days of the passage of said Resolutions and Special Ordinances, or as extended by a vote of a majority of the City Council.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, FEBRUARY 13, 2013 BY VOTE OF 7-0.

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SPECIAL ORDINANCE NO.7-2013

4. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

A SPECIAL ORDINANCE AUTHORIZING THE PLACEMENT OF SIGNS IN THE CITY RIGHTS-OF-WAY OF RIDGE HILL BOULEVARD (PARCELS 1 AND 2), RIDGE HILL LANE AND OTIS DRIVE

The City of Yonkers, in City Council convened, hereby Ordains and Enacts:

Section 1. Permission is hereby granted to FC Yonkers Associates, LLC (the "Owner"), the owner of Section 4, Block 4072, Lot 1 (Parcel A), Block 4070, Lot 1 (Parcel B), Block 4071, Lot 1 (Parcel C), Block 4069, Lot 1 (Parcel D), Block 4065, Lot 1 (Parcel E), Block 4068, Lot 1 (Parcel F), Block 4067, Lot 1 (Parcel G), Block 4066, Lot 1 (Parcel H), Block 4064, Lot 1 (Parcel I), Block 4063, Lot 1 (Parcel J), Block 4062, Lot 1 (Parcel K), Block 4061, Lot 1 (Parcel L), Block 4078, Lot 1 (Parcel N), Block 4074, Lot 1 (Parcel O), Block 4077, Lot 1 (Parcel P), Block 4075, Lot 1 (Parcel Q), Block 4073, Lot 1 (Parcel R), Block 4072, Lot 5 (Parcel S), Block 4069, Lot 2 (Parcel T), and Block 4076, Lot 2 (Parcels U-1, U-2 and U-3), as shown on the Official Assessment Map of the City of Yonkers, its successors and assigns, to install, maintain, repair, and replace signs (which term as used herein shall include the signs and their supporting structures and any utilities necessary in connection with such signs) within and upon the City rights-of-way of Ridge Hill Boulevard (Parcels 1 and 2), Ridge Hill Lane, and Otis Drive in accordance with and as shown on a Ridge Hill Site Plan pursuant to Site Plan Approval granted by the City of Yonkers Planning Board by resolution dated March 8, 2006 and as last amended by resolution dated March 9, 2011, and on any subsequent site plan approved by the City of Yonkers Planning Board for signs along the City rights-of-way of Ridge Hill Boulevard (Parcels 1 and 2), Ridge Hill Lane, and Otis Drive.

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Section 2. This permission is granted under the following terms and conditions, to wit:

- (a) That the whole cost and expense of installing, maintaining, repairing and replacing the signs shall be paid by the Owner, its successors and assigns without expense to or contribution by the City of Yonkers;
- (b) That neither the approval of the plan depicting the permitted signs by the appropriate City board or official nor the existence of said signs after construction shall be deemed a waiver, or in any way affect the right of the City of Yonkers to provide for construction of or to otherwise improve its rights-of-way;
- (c) That the term of this permission shall be for a period of ninety nine (99) years commencing from the date of the approval of this Ordinance. However, the City shall reserve the right to terminate the permission granted by this Ordinance for any sign on thirty days written notice to the Owner, its successor or assigns, if, in the City=s reasonable judgment such sign causes an unsafe condition to the use and operation of the traveled way of Ridge Hill Boulevard (Parcels 1 or 2), Ridge Hill Lane, and/or Otis Drive as from time to time are existing and improved. Upon revocation or termination of this permission for any sign, the Owner, its successors or assigns shall remove such improvement placed within said right-of-way at the express direction of the City and at the Owner=s cost and expense;
- (d) That all signs permitted pursuant to this Ordinance shall be properly secured, supported, and braced and shall be kept and maintained in satisfactory structural condition, clean and well-painted at all times, and Owner shall have a right of entry within and upon the City rights-of-way of Ridge Hill Boulevard (Parcels 1 and 2), Ridge Hill Lane, and Otis Drive for such purposes. Every sign, its

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framework, braces, anchors, and other supports shall be constructed of such material and in such workmanlike manner as shall make it safe. If, at any time during the term of the permission granted herein, the City Engineer shall determine that Owner has failed to adequately maintain its signs, the City Engineer shall so inform Owner, its successor or assigns, in a written notice. If, within 30 days of receipt of such notice, Owner has not performed the maintenance required by the City Engineer (or, if such maintenance cannot be completed within such period, has not commenced and continued diligently to perform such maintenance), the City shall have the right to revoke or terminate this permission for the unmaintained sign and the Owner shall remove any related improvement placed within said rights-of-way at the express direction of the City and at the Owner=s cost and expense;

- (e) That activities undertaken in performance of the construction, maintenance, repair or replacement of the permitted signs shall be properly guarded by the Owner, its servants, agents or employees and any disturbed areas shall be restored to similar and equal condition to the state of said street rights-of-way at the time such activities occur;
- (f) That all work is to be done in accordance with the City of Yonkers standard specifications and designs as applicable to such signs under the Yonkers Code;
- (g) That the Owner, or its agents, shall secure all necessary permits and consents and shall secure and maintain a property damage and public liability insurance policy naming the City as an additional insured in an amount and form satisfactory to the City Engineer and the Corporation Counsel of the City of Yonkers and provide the City with evidence thereof;
- (h) That the Owner, its successors or assigns shall at their sole expense, for whatever period this permission remains in effect,

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release save harmless and defend (by counsel reasonably satisfactory to the Corporation Counsel of the City) and indemnify the City of Yonkers for any and all claims, actions, suits, or judgments associated with the permission granted by this special ordinance, including all costs relating to the defense thereof, including reasonable attorneys fees; and

- (i) That for the purpose of identifying the party responsible for fulfilling an obligation under this Special Ordinance, the "Owner" shall be the owner of the property referred to in Section 1 hereof at the time the obligation with respect to such property accrues.

Section 5 All Resolutions and Special Ordinances shall take effect upon the execution of all necessary and relevant documents and agreements related to the dedication of Ridge Hill Boulevard, Ridge Hill Lane and Otis Drive and the relevant utilities and infrastructure, all of which must be in a form and substance satisfactory to the Corporation Counsel and which shall be completed within thirty (30) days of the passage of said Resolutions and Special Ordinances, or as extended by a vote of a majority of the City Council.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, FEBRUARY 13, 2013 BY VOTE OF 7-0.

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SPECIAL ORDINANCE NO.8-2013

5. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

A SPECIAL ORDINANCE AUTHORIZING THE PLACEMENT OF AN ENGINEERED RETAINING WALL SYSTEM, BUILDING WALLS AND UTILITY VAULTS IN THE CITY RIGHTS-OF-WAY OF RIDGE HILL BOULEVARD (PARCEL 1) AND OTIS DRIVE.

The City of Yonkers, in City Council convened, hereby Ordains and Enacts:

Section 1. Permission is hereby granted to FC Yonkers Associates, LLC (the "Owner"), the owner of Section 4, Block 4072, Lot 1 (Parcel A), Block 4070, Lot 1 (Parcel B), Block 4071, Lot 1 (Parcel C), Block 4069, Lot 1 (Parcel D), Block 4065, Lot 1 (Parcel E), Block 4068, Lot 1 (Parcel F), Block 4067, Lot 1 (Parcel G), Block 4066, Lot 1 (Parcel H), Block 4064, Lot 1 (Parcel I), Block 4063, Lot 1 (Parcel J), Block 4062, Lot 1 (Parcel K), Block 4061, Lot 1 (Parcel L), Block 4078, Lot 1 (Parcel N), Block 4074, Lot 1 (Parcel O), Block 4077, Lot 1 (Parcel P), Block 4075, Lot 1 (Parcel Q), Block 4073, Lot 1 (Parcel R), Block 4072, Lot 5 (Parcel S), Block 4069, Lot 2 (Parcel T), and Block 4076, Lot 2 (Parcels U-1, U-2 and U-3), as shown on the Official Assessment Map of the City of Yonkers, its successors and assigns, to install, maintain, repair, and replace an Engineered modular block site retaining wall system, Con Edison electric high voltage utility vaults, and building walls (which terms as used herein shall include all supporting structures whether above or below ground) (singularly, an "Improvement" and collectively, the "Improvements") within and upon the City rights-of-way of Ridge Hill Boulevard (Parcel 1), and Otis Drive as shown on the plans annexed hereto as Exhibit A and made a part hereof.

Section 2. This permission is granted under the following terms and conditions, to wit:

- (a) That the whole cost and expense of installing, maintaining, repairing and replacing the Improvements shall be paid by the

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Owner, its successors and assigns without expense to or contribution by the City of Yonkers;

- (b) That the existence of said Improvements shall not be deemed a waiver or in any way affect the right of the City of Yonkers to provide for construction of or to otherwise improve its rights-of-way;
- (c) That the term of this permission shall be for a period of ninety nine (99) years commencing from the date of the approval of this Ordinance. However, the City shall reserve the right to terminate the permission granted by this Ordinance for any Improvement on thirty days written notice to the Owner, its successor or assigns, if, in the City=s reasonable judgment such Improvement or any part thereof poses an imminent danger to public health or safety. Upon revocation or termination of this permission for an Improvement, the Owner, its successors or assigns shall, within 180 days of such termination, modify or remove such Improvement placed within said right-of-way so as to remove the imminent danger to public health or safety, in consultation with the City and at the Owner=s cost and expense;
- (d) That all Improvements permitted pursuant to this Ordinance shall be properly secured, supported, and braced and shall be kept and maintained in satisfactory structural condition, clean and well-painted at all times and Owner shall have a right of entry within and upon the City rights-of-way of Ridge Hill Boulevard (Parcel 1) and Otis Drive for such purposes. Every Improvement shall be constructed of such material and in such workmanlike manner as shall make it safe. If, at any time during the term of the permission granted herein, the City Engineer shall determine that Owner has failed to adequately maintain an Improvement, the City Engineer shall so inform Owner, its successor or assigns, in a written notice. If, within 30 days of receipt of such notice, Owner has not performed the maintenance required by the City Engineer (or, if such maintenance cannot be completed within such period, has not commenced and continued diligently to perform such

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maintenance), the City shall have the right (but not the obligation) to perform such maintenance on the Improvement at the Owner's cost and expense;

- (e) That activities undertaken in performance of the construction, maintenance, repair or replacement of the permitted Improvements shall be properly guarded by the Owner, its servants, agents or employees and any disturbed areas shall be restored to similar and equal condition to the state of said street rights-of-way at the time such activities occur;
- (f) That all work is to be done in accordance with the City of Yonkers standard specifications and designs as applicable to such Improvements under the Yonkers Code;
- (g) That the Owner, or its agents, shall secure all necessary permits and consents and shall secure and maintain a property damage and public liability insurance policy naming the City as an additional insured in an amount and form satisfactory to the City Engineer and the Corporation Counsel of the City of Yonkers and provide the City with evidence thereof;
- (h) That the Owner, its successors or assigns shall at their sole cost expense, for whatever period this permission remains in effect, release save harmless and defend (by counsel reasonably satisfactory to the Corporation Counsel of the City) and indemnify the City of Yonkers for any and all claims, actions, suits, or judgments associated with the permission granted by this Special Ordinance, including all costs relating to the defense thereof, including reasonable attorneys fees; and costs and;
- (i) That for the purpose of identifying the party responsible for fulfilling an obligation under this Special Ordinance, the "Owner" shall be the owner of the property referred to in Section 1 hereof on which an Improvement is located at the time the obligation with respect to such property or Improvement accrues.

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Section 5 All Resolutions and Special Ordinances shall take effect upon the execution of all necessary and relevant documents and agreements related to the dedication of Ridge Hill Boulevard, Ridge Hill Lane and Otis Drive and the relevant utilities and infrastructure, all of which must be in a form and substance satisfactory to the Corporation Counsel and which shall be completed within thirty (30) days of the passage of said Resolutions and Special Ordinances, or as extended by a vote of a majority of the City Council.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, FEBRUARY 13, 2013 BY VOTE OF 7-0.

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SPECIAL ORDINANCE NO.9-2013

6. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

A SPECIAL ORDINANCE AUTHORIZING THE PLACEMENT OF LANDSCAPE PLANTINGS AND AN IRRIGATION SYSTEM IN THE CITY RIGHTS-OF-WAY OF RIDGE HILL BOULEVARD (PARCELS 1 AND 2), RIDGE HILL LANE AND OTIS DRIVE

The City of Yonkers, in City Council convened, hereby Ordains and Enacts:

Section 1. Permission is hereby granted to FC Yonkers Associates, LLC (the "Owner"), the owner of Section 4, Block 4072, Lot 1 (Parcel A), Block 4070, Lot 1 (Parcel B), Block 4071, Lot 1 (Parcel C), Block 4069, Lot 1 (Parcel D), Block 4065, Lot 1 (Parcel E), Block 4068, Lot 1 (Parcel F), Block 4067, Lot 1 (Parcel G), Block 4066, Lot 1 (Parcel H), Block 4064, Lot 1 (Parcel I), Block 4063, Lot 1 (Parcel J), Block 4062, Lot 1 (Parcel K), Block 4061, Lot 1 (Parcel L), Block 4078, Lot 1 (Parcel N), Block 4074, Lot 1 (Parcel O), Block 4077, Lot 1 (Parcel P), Block 4075, Lot 1 (Parcel Q), Block 4073, Lot 1 (Parcel R), Block 4072, Lot 5 (Parcel S), Block 4069, Lot 2 (Parcel T), and Block 4076, Lot 2 (Parcels U-1, U-2 and U-3), as shown on the Official Assessment Map of the City of Yonkers, its successors and assigns, to install, maintain, repair, and replace landscape plantings and an irrigation system (which terms as used herein shall include all supporting appurtenances whether above or below ground) (singularly, an "Improvement" and collectively, the "Improvements") within and upon the City rights-of-way of Ridge Hill Boulevard (Parcels 1 and 2), Ridge Hill Lane, and Otis Drive as shown on the plans annexed hereto as Exhibit A and made a part hereof.

Section 2. This permission is granted under the following terms and conditions, to wit:

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- (a) That the whole cost and expense of installing, maintaining, repairing and replacing the Improvements shall be paid by the Owner, its successors and assigns without expense to or contribution by the City of Yonkers;
- (b) That the existence of said Improvements shall not be deemed a waiver or in any way affect the right of the City of Yonkers to provide for construction of or to otherwise improve its rights-of-way;
- (c) That the term of this permission shall be for a period of ninety nine (99) years commencing from the date of the approval of this Ordinance. However, the City shall reserve the right to terminate the permission granted by this Ordinance for any Improvement on thirty days written notice to the Owner, its successor or assigns, if, in the City=s reasonable judgment such Improvement or any part thereof pose an unsafe condition to the use and operation of the traveled way of Ridge Hill Boulevard (Parcels 1 and 2), Ridge Hill Lane, and/or Otis Drive as from time to time are existing and improved. Upon revocation or termination of this permission, the Owner, its successors or assigns shall remove such Improvement placed within said right-of-way at the express direction of the City and at the Owner's cost and expense;
- (d) That all Improvements permitted pursuant to this Ordinance shall be kept and maintained in a clean and safe condition at all times, and Owner shall have a right of entry within and upon the City rights-of-way of Ridge Hill Boulevard (Parcels 1 and 2), Ridge Hill Lane, and Otis Drive for such purposes. If, at any time during the term of the permission granted herein, the City Engineer shall determine that Owner has failed to adequately maintain an Improvement, the City Engineer shall so inform Owner, its successor or assigns, in

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a written notice. If, within 30 days of receipt of such notice, Owner has not performed the maintenance required by the

City Engineer (or, if such maintenance cannot be completed within such period, has not commenced and continued diligently to perform such maintenance), the City shall have the right (but not the obligation) to perform such maintenance at the Owner's cost and expense;

- (e) That activities undertaken in performance of the construction, maintenance, repair or replacement of the permitted Improvements shall be properly guarded by the Owner, its servants, agents or employees and any disturbed areas shall be restored to similar and equal condition to the state of said street rights-of-way at the time such activities occur;
- (f) That all work is to be done in accordance with the City of Yonkers standard specifications and designs as applicable to such Improvements under the Yonkers Code;
- (g) That the Owner, or its agents, shall secure all necessary permits and consents and shall secure and maintain a property damage and public liability insurance policy naming the City as an additional insured in an amount and form satisfactory to the City Engineer and the Corporation Counsel of the City of Yonkers and provide the City with evidence thereof;
- (h) That the Owner, its successors or assigns shall at their sole cost expense, for whatever period this permission remains in effect, release save harmless and defend (by counsel reasonably satisfactory to the Corporation Counsel of the City) and indemnify the City of Yonkers for any and all claims, actions, suits, or judgments associated with the

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permission granted by this Special Ordinance, including all costs relating to the defense thereof, including reasonable attorneys fees; and costs and;

- (i) That for the purpose of identifying the party responsible for fulfilling an obligation under this Special Ordinance,

the "Owner" shall be the owner of the property referred to in Section 1 hereof on which an Improvement is located at the time the obligation with respect to such property or Improvement accrues.

Section 3. All Resolutions and Special Ordinances shall take effect upon the execution of all necessary and relevant documents and agreements related to the dedication of Ridge Hill Boulevard, Ridge Hill Lane and Otis Drive and the relevant utilities and infrastructure, all of which must be in a form and substance satisfactory to the Corporation Counsel and which shall be completed within thirty (30) days of the passage of said Resolutions and Special Ordinances, or as extended by a vote of a majority of the City Council.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, FEBRUARY 13, 2013 BY VOTE OF 7-0.

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SPECIAL ORDINANCE NO.10-2013

7. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

A SPECIAL ORDINANCE GRANTING TO CON EDISON A PERMIT TO INSTALL A NEW GAS MAIN AND RELATED SERVICES AT NEW SCHOOL STREET AND NEPPERHAN AVENUE AS THE ESTIMATED DIMENSIONS ARE IN EXCESS OF 100 LINEAR FEET SUBJECT TO CERTAIN TERMS AND CONDITIONS.

WHEREAS, Consolidated Edison, in a communication forwarded to the City Engineer dated October 10, 2012 has made application pursuant to an ordinance adopted by the Board of Aldermen of the City of Yonkers on May 31, 1892, to excavate in excess of 100 linear feet and no more than 100 linear feet, more or less, and to replace and install new gas underground facilities and related services at New School Street and Nepperhan Avenue, Yonkers, N.Y. in accordance with Drawing Number E12-13055-002WCY ; and

WHEREAS, the work being done by said company is the replacement of existing lines and it is therefore a Type II action under the New York State Environmental Quality Review Act; and

WHEREAS, the said company will be required, prior to the commencement of the work, to insure the restoration of said streets in the same condition as said streets were in prior to said excavation and indemnifying and saving harmless the City of Yonkers against loss or losses, damages, action, or proceedings arising out of said excavation;

NOW, THEREFORE, BE IT RESOLVED THAT, the City of Yonkers, in City Council convened, hereby ordains and enacts:

Section 1. Permission is hereby given to Consolidated Edison, in accordance with the terms of an ordinance adopted by the Board of Aldermen of the City of Yonkers on May 31, 1892, to excavate in excess of 100 linear feet and no more than 100 linear feet, more or less, and to replace and install new gas underground facilities and related services at New School Street and Nepperhan

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Avenue, Yonkers, N.Y. in accordance with Drawing Number E12-13055-002WCY.

Section 3 this special ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, FEBRUARY 13, 2013 BY VOTE OF 7-0.

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SPECIAL ORDINANCE NO.11-2013

8. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

A SPECIAL ORDINANCE GRANTING TO CON EDISON A PERMIT TO INSTALL A NEW GAS MAIN AND RELATED SERVICES AT 257 VALENTINE LANE AND LEIGHTON AVENUE AS THE ESTIMATED DIMENSIONS ARE IN EXCESS OF 100 LINEAR FEET SUBJECT TO CERTAIN TERMS AND CONDITIONS.

WHEREAS, Consolidated Edison, in a communication forwarded to the City Engineer dated October 10, 2012 has made application pursuant to an ordinance adopted by the Board of Aldermen of the City of Yonkers on May 31, 1892, to excavate in excess of 100 linear feet and no more than 270 linear feet, more or less, and to replace and install new gas underground facilities and related services at 257 Valentine Lane and Leighton Avenue, Yonkers, N.Y. in accordance with Drawing Number S12-86407-000WCY ; and

WHEREAS, the work being done by said company is the replacement of existing lines and it is therefore a Type II action under the New York State Environmental Quality Review Act; and

WHEREAS, the said company will be required, prior to the commencement of the work, to insure the restoration of said streets in the same condition as said streets were in prior to said excavation and indemnifying and saving harmless the City of Yonkers against loss or losses, damages, action, or proceedings arising out of said excavation;

NOW, THEREFORE, BE IT RESOLVED THAT, the City of Yonkers, in City Council convened, hereby ordains and enacts:

Section 1. Permission is hereby given to Consolidated Edison, in accordance with the terms of an ordinance adopted by the Board of Aldermen of the City of Yonkers on May 31, 1892, to excavate in excess of 100 linear feet and no more than 270 linear feet, more or less, and to replace and install new gas underground facilities and related services at 257 Valentine Lane and Leighton

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SPECIAL ORDINANCE NO.11-2013 (CONTINUED)

Avenue, Yonkers, N.Y. in accordance with Drawing Number S12-86407-000WCY.

Section 2. This ordinance shall take effect immediately

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, FEBRUARY 13, 2013 BY VOTE OF 7-0.

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RESOLUTION NO.10-2013

9. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

AGREEMENT CONFIRMING RESPONSIBILITY FOR MAINTENANCE OF EXISTING 8-INCH WATER SERVICE LATERAL OVER A PORTION OF PROPERTY FORMERLY PART OF BLOCK 4060, LOT 1, BETWEEN FC YONKERS ASSOCIATES, LLC AND THE CITY OF YONKERS

WHEREAS, FC Yonkers Associates, LLC (Developer) is the fee owner of property formerly known as a portion of Block 4060, Lot 1 on the official tax map of the City of Yonkers ("Tax Lot 4060-1") and currently known as parcels A, B, C, D, E, F, G, H, I, J, K, L, N, O, P, Q, R, S, T, U1, U2, AND U3 (collectively the "Parcels") shown on a certain revised subdivision plan entitled "Final Subdivision Plat, Ridge Hill, New York State Thruway (Interstate 87), City of Yonkers, Westchester County, State of New York", which was filed in the office of the Westchester County Clerk, Division of Land Records on May 4, 2011 as Map No. 28475 (the "Subdivision Plat"); and

WHEREAS, the City of Yonkers and the Developer acknowledge and agree that prior to Developer's acquisition of the Parcels, water utilities and sanitary sewer utilities were installed on Tax Lot 4060-1 to serve buildings previously located on the Parcels, and that such utilities were installed across the Thruway property and property to the west thereof and connected to public utility mains in Sprain Road, a public street (hereinafter collectively referred to as the "Adjacent property"); and

WHEREAS, the Parties further acknowledge and agree that such utility lines include piping and valves for an existing 8-inch water service lateral that extends from a pump house on Parcel Q over the Adjacent Property and connects to a public water main in the right-of-way of Sprain Road, as depicted on the plan entitled "Ridge Hill, City of Yonkers, NY, Existing 8" Water Service Connection to Existing water main on Sprain Road" dated December 18, 2012, showing the approximate location of said existing service lateral, the field verified point of connection of said lateral at Sprain Road and its point of termination in the pump house on Parcel Q (collectively the "Existing 8-Inch Water Service

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Lateral"). A copy of said plan is annexed hereto as Schedule A and made part hereof; and

WHEREAS, on March 8, 2006, the City Planning Board granted site plan approval for the redevelopment of the Parcels for a variety of uses including retail and residential use (commonly referred to as "Ridge Hill"), which approval has since been amended in various respects by resolutions dated January 10, 2007, April 11, 2007 and March 9, 2011; and

WHEREAS, Developer installed a new water main to provide water supply/utility service to Ridge Hill and proposes to retain the Existing 8-Inch Water Service Lateral in place for emergency and water supply purposes, if ever necessary; and

WHEREAS, provided the City does not open or exercise the valves that are part of the Water Service Lateral, and Developer is permitted to access Adjacent Property, Developer agrees that the Existing 8-Inch Water Service Lateral will be considered a "Private Connection with water supply" under Section C9-13 of the Charter of the City of Yonkers (the "Private Connection") and maintained by Developer in accordance with the terms and conditions of Section C9-13, as the same may be amended from time to time. Developer and the City desire to confirm the terms and conditions of Developer's obligation in this regard.

WHEREAS All Resolutions and Special Ordinances shall take effect upon the execution of all necessary and relevant documents and agreements related to the dedication of Ridge Hill Boulevard, Ridge Hill Lane and Otis Drive and the relevant utilities and infrastructure, all of which must be in a form and substance satisfactory to the Corporation Counsel and which shall be completed within thirty (30) days of the passage of said Resolutions and Special Ordinances, or as extended by a vote of a majority of the City Council.

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NOW, THEREFORE, BE IT RESOLVED, that the Mayor or his designee is hereby authorized to execute an agreement confirming responsibility for the maintenance of existing 8-inch water service lateral over a portion of property formerly part of block 4060, Lot 1 between FC Yonkers Associates, LLC and the City of Yonkers.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, FEBRUARY 13, 2013 BY VOTE OF 7-0.

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RESOLUTION NO.11-2013

10. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A COMBINED REAL ESTATE TRANSFER TAX RETURN, CREDIT LINE MORTGAGE CERTIFICATE, AND CERTIFICATION OF EXEMPTION FROM THE PAYMENT OF ESTIMATED PERSONAL INCOME TAX (TP-584) AND REAL PROPERTY TRANSFER REPORT (RP-5217) IN CONNECTION WITH THE ACCEPTANCE OF DEDICATION OF OTIS DRIVE AS A CITY STREET OF THE CITY OF YONKERS

WHEREAS, on even date herewith the City Council of the City of Yonkers adopted Special Ordinance No.4-2013 accepting dedication of Otis Drive as a public street or highway of the City of Yonkers; and

WHEREAS, the City of Yonkers Industrial Development Agency has executed a Deed of Dedication in furtherance of the conveyance of Otis Drive to the City of Yonkers, which Deed will be recorded in the Office of the Westchester County Clerk, Division of Land Records; and

WHEREAS, in connection with the recording of the Deed of Dedication of Otis Drive from the City of Yonkers Industrial Development Agency to the City of Yonkers, a Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax (TP-584) and Real Property Transfer Report (RP-5217), executed by both parties to the conveyance, must also be submitted to the Westchester County Clerk.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor or his designee be and the same is hereby authorized to execute a Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax (TP-584) and Real Property Transfer Report (RP-5217) associated with the dedication of Otis Drive to the City of Yonkers, in form and substance acceptable to the Corporation Counsel of the City of Yonkers; and be it further

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RESOLVED All Resolutions and Special Ordinances shall take effect upon the execution of all necessary and relevant documents and agreements related to the dedication of Ridge Hill Boulevard, Ridge Hill Lane and Otis Drive and the relevant utilities and infrastructure, all of which must be in a form and substance satisfactory to the Corporation Counsel and which shall be completed within thirty (30) days of the passage of said Resolutions and Special Ordinances, or as extended by a vote of a majority of the City Council.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, FEBRUARY 13, 2013 BY VOTE OF 7-0.

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RESOLUTION NO.12-2013

11. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A COMBINED REAL ESTATE TRANSFER TAX RETURN, CREDIT LINE MORTGAGE CERTIFICATE, AND CERTIFICATION OF EXEMPTION FROM THE PAYMENT OF ESTIMATED PERSONAL INCOME TAX (TP-584) AND REAL PROPERTY TRANSFER REPORT (RP-5217) IN CONNECTION WITH THE ACCEPTANCE OF DEDICATION OF RIDGE HILL BOULEVARD (PARCEL 1), RIDGE HILL BOULEVARD (PARCEL 2) AND RIDGE HILL LANE AS CITY STREETS OF THE CITY OF YONKERS

WHEREAS, on even date herewith the City Council of the City of Yonkers adopted Special Ordinance No.5-2013 accepting dedication of Ridge Hill Boulevard (Parcel 1), Ridge Hill Boulevard (Parcel 2) and Ridge Hill Lane as public streets or highways of the City of Yonkers; and

WHEREAS, the City of Yonkers Industrial Development Agency has executed a Deed of Dedication in furtherance of the conveyance of Ridge Hill Boulevard (Parcel 1), Ridge Hill Boulevard (Parcel 2) and Ridge Hill Lane to the City of Yonkers, which Deed will be recorded in the Office of the Westchester County Clerk, Division of Land Records; and

WHEREAS, in connection with the recording of the Deed of Dedication of Ridge Hill Boulevard (Parcel 1), Ridge Hill Boulevard (Parcel 2) and Ridge Hill Lane from the City of Yonkers Industrial Development Agency to the City of Yonkers, a Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax (TP-584) and Real Property Transfer Report (RP-5217), executed by both parties to the conveyance, must also be submitted to the Westchester County Clerk.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor or his designee be and the same is hereby authorized to execute a Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of

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RESOLUTION NO.12-2013 (CONTINUED)

Exemption from the Payment of Estimated Personal Income Tax (TP-584) and Real Property Transfer Report (RP-5217) associated with the dedication of Ridge Hill Boulevard (Parcel 1), and Ridge Hill Boulevard (Parcel 2) and Ridge Hill Lane to the City of Yonkers, in form and substance acceptable to the Corporation Counsel of the City of Yonkers; and be it further

RESOLVED Section 5 All Resolutions and Special Ordinances shall take effect upon the execution of all necessary and relevant documents and agreements related to the dedication of Ridge Hill Boulevard, Ridge Hill Lane and Otis Drive and the relevant utilities and infrastructure, all of which must be in a form and substance satisfactory to the Corporation Counsel and which shall be completed within thirty (30) days of the passage of said Resolutions and Special Ordinances, or as extended by a vote of a majority of the City Council.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, FEBRUARY 13, 2013 BY VOTE OF 7-0.

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RESOLUTION NO.13-2013

12. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A BILL OF SALE BETWEEN FC YONKERS ASSOCIATES, LLC AND THE CITY OF YONKERS THEREBY ACCEPTING AND ACQUIRING TITLE TO CERTAIN UTILITIES WITHIN THE PRIVATE STREETS IN THE RIDGE HILL DEVELOPMENT AND ON PARCELS L, N, P, Q, O, R AND T ON FILED MAP 28475

WHEREAS, by Resolution adopted February 9, 2011, the City of Yonkers Planning Board approved a final revised subdivision plat entitled "Final Subdivision Plat, Ridge Hill, New York State Thruway (Interstate 87), City of Yonkers, Westchester County, State of New York" and such plat was filed in the office of the Westchester County Clerk, Division of Land Records on May 4, 2011, as Map No. 28475 (the ASubdivision Plat), showing, among other things, parcels and private streets within the subdivision; and

WHEREAS, FC Yonkers Associates, LLC, with offices at One MetroTech Center, Brooklyn, New York 11201, is the fee owner of the private streets shown on the said Subdivision Plat, identified thereon as Market Street, Fitzgerald Street, Cole Street, Archer Avenue, Rebel Street, and Lembo Drive (collectively, the APrivate Streets) and the holder of certain easements over Parcels L, N, P, Q, O, R, and T as shown on the Subdivision Plat; and

WHEREAS, FC Yonkers Associates, LLC has agreed to sell and the City has agreed to purchase by Bill of Sale those certain water mains, sewer mains, sewer force mains, stormwater pipes, conduits, swales, other stormwater management structures and improvements, and appurtenances along with the electronic traffic signals and their related infrastructure, wiring and controls as the same currently exist within the Private Streets and as more particularly depicted and described in a set of plans, consisting of: (i) four pages, prepared by Divney Tung Schwalbe, LLP of White Plains, New York, each dated June 30, 2006, and each revised June 8, 2011, and entitled respectively ASite Grading Plan CD-3.5,@ ASite Grading Plan CD-3.6,@ ASite Utility Plan CD-4.5,@ and ASite Utility

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Plan CD-4.6;@ (ii) six pages, prepared by Divney Tung Schwalbe, LLP of White Plains, New York, each dated June 30, 2006, and each revised June 30, 2011, and entitled respectively "Site Grading Plan CD-3.1," "Site Grading Plan CD-3.2," "Site Grading Plan CD-3.3," "Site Utility Plan CD-4.1," "Site Utility Plan CD-4.2," and "Site Utility Plan CD-4.3;" and (iii) one page, prepared by Divney Tung Schwalbe, LLP of White Plains, New York, dated June 30, 2006, and revised September 26, 2011, and entitled "Site Utility Plan CD-4.2A" (collectively the "Utility Plans"), copies of which are annexed hereto as Schedule A; and

WHEREAS, FC Yonkers Associates, LLC has agreed to sell and the City has agreed to purchase by Bill of Sale those certain water mains, sewer mains, sewer force mains, stormwater pipes, conduits, swales, other stormwater management structures and improvements, and appurtenances as the same currently exist within easements on Parcels L, N, P, Q, O, R, and T, except for the 8-inch Ductile Iron Pipe and related improvements and appurtenances within the 25-foot wide water main and sanitary force main easements on Parcels N, Q, and O (the "Public Phase III Water Main Utilities") as shown on the Subdivision Plat, all as more particularly depicted and described in the Utility Plans.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor or his designee be and the same is hereby authorized to execute the Bill of Sale between FC Yonkers Associates, LLC and the City conveying title to the Public Utilities shown on the Utility Plans from FC Yonkers Associates, LLC to the City; and be it further

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RESOLVED All Resolutions and Special Ordinances shall take effect upon the execution of all necessary and relevant documents and agreements related to the dedication of Ridge Hill Boulevard, Ridge Hill Lane and Otis Drive and the relevant utilities and infrastructure, all of which must be in a form and substance satisfactory to the Corporation Counsel and which shall be completed within thirty (30) days of the passage of said Resolutions and Special Ordinances, or as extended by a vote of a majority of the City Council.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, FEBRUARY 13, 2013 BY VOTE OF 7-0.

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RESOLUTION NO.14-2013

13. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A BILL OF SALE BETWEEN FC YONKERS ASSOCIATES, LLC AND THE CITY OF YONKERS THEREBY ACCEPTING AND ACQUIRING TITLE TO CERTAIN WATER MAIN UTILITIES ON PARCELS N, Q, AND O ON FILED MAP 28475

WHEREAS, by Resolution adopted February 9, 2011, the City of Yonkers Planning Board approved a final revised subdivision plat entitled "Final Subdivision Plat, Ridge Hill, New York State Thruway (Interstate 87), City of Yonkers, Westchester County, State of New York" and such plat was filed in the office of the Westchester County Clerk, Division of Land Records on May 4, 2011, as Map No. 28475 (the "Subdivision Plat"), showing, among other things, parcels and private streets within the subdivision; and

WHEREAS, FC Yonkers Associates, LLC, with offices at One MetroTech Center, Brooklyn, New York 11201, is the holder of certain easements over Parcels N, Q, and O as shown on the Subdivision Plat; and

WHEREAS, FC Yonkers Associates, LLC has agreed to sell and the City has agreed to purchase by Bill of Sale that certain 8-inch Ductile Iron Pipe and related improvements and appurtenances within the 25-foot wide water main and sanitary force main easements on Parcels N, Q, and O (the "Public Phase III Water Main Utilities") upon approval of their installation and construction by the Westchester County Department of Health, as the same currently exist within said easements and as more particularly depicted and described in a set of plans, consisting of: (i) four pages, prepared by Divney Tung Schwalbe, LLP of White Plains, New York, each dated June 30, 2006, and each revised June 8, 2011, and entitled respectively "Site Grading Plan CD-3.5," "Site Grading Plan CD-3.6," "Site Utility Plan CD-4.5," and "Site Utility Plan CD-4.6;" (ii) six pages, prepared by Divney Tung Schwalbe, LLP of White Plains, New York, each dated June 30, 2006, and each revised June 30, 2011, and entitled respectively "Site Grading Plan CD-3.1," "Site Grading Plan CD-3.2," "Site

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RESOLUTION NO.14-2013 (CONTINUED)

Grading Plan CD-3.3," "Site Utility Plan CD-4.1," "Site Utility Plan CD-4.2," and "Site Utility Plan CD-4.3;" and (iii) one page, prepared by Divney Tung Schwalbe, LLP of White Plains, New York, dated June 30, 2006, and revised September 26, 2011, and entitled "Site Utility Plan CD-4.2A" (collectively the "Utility Plans"), copies of which are annexed hereto as Schedule A.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor or his designee be and the same is hereby authorized to execute the Bill of Sale between FC Yonkers Associates, LLC and the City conveying title to the Public Phase III Water Main Utilities from FC Yonkers Associates, LLC to the City upon approval of their installation and construction by the Westchester County Department of Health; and be it further

RESOLVED that this resolution will take effect upon the City's receipt of the Westchester County Department of Health's approval of the installation and construction of the Public Phase III Water Main Utilities.

FURTHER RESOLVED All Resolutions and Special Ordinances shall take effect upon the execution of all necessary and relevant documents and agreements related to the dedication of Ridge Hill Boulevard, Ridge Hill Lane and Otis Drive and the relevant utilities and infrastructure, all of which must be in a form and substance satisfactory to the Corporation Counsel and which shall be completed within thirty (30) days of the passage of said Resolutions and Special Ordinances, or as extended by a vote of a majority of the City Council.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, FEBRUARY 13, 2013 BY VOTE OF 7-0.

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RESOLUTION NO.15-2013

14. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AN EASEMENT AGREEMENT BETWEEN FC YONKERS ASSOCIATES, LLC AND THE CITY OF YONKERS GRANTING THE CITY ACCESS TO CERTAIN UTILITIES AND INFRASTRUCTURE WITHIN THE RIDGE HILL DEVELOPMENT AND TO EXECUTE A COMBINED REAL ESTATE TRANSFER TAX RETURN, CREDIT LINE MORTGAGE CERTIFICATE, AND CERTIFICATION OF EXEMPTION FROM THE PAYMENT OF ESTIMATED PERSONAL INCOME TAX (TP-584) IN CONNECTION WITH SUCH EASEMENT

WHEREAS, by Resolution adopted February 9, 2011, the City of Yonkers Planning Board approved a final revised subdivision plat entitled "Final Subdivision Plat, Ridge Hill, New York State Thruway (Interstate 87), City of Yonkers, Westchester County, State of New York" and such plat was filed in the office of the Westchester County Clerk, Division of Land Records on May 4, 2011, as Map No. 28475 (the "Subdivision Plat"), showing, among other things, parcels and private streets within the subdivision; and

WHEREAS, FC Yonkers Associates, LLC, with offices at One MetroTech Center, Brooklyn, New York 11201, is the fee owner of the private streets shown on the said Subdivision Plat, identified thereon as Market Street, Fitzgerald Street, Cole Street, Archer Avenue, Rebel Street, and Lembo Drive (collectively, the Private Streets); and

WHEREAS, FC Yonkers Associates, LLC is also the fee owner of the following parcels as shown on the Subdivision Plat: Block 4072, Lot 1 (Parcel A); Block 4070, Lot 1 (Parcel B); Block 4071, Lot 1 (Parcel C); Block 4069, Lot 1 (Parcel D); Block 4065, Lot 1 (Parcel E); Block 4068, Lot 1 (Parcel F); Block 4067, Lot 1 (Parcel G); Block 4066, Lot 1 (Parcel H); Block 4064, Lot 1 (Parcel I); Block 4063, Lot 1 (Parcel J); Block 4062, Lot 1 (Parcel K); Block 4061, Lot 1 (Parcel L); Block 4078, Lot 1 (Parcel N); Block 4074, Lot 1 (Parcel O); Block 4077, Lot 1 (Parcel P); Block 4075, Lot 1 (Parcel Q); Block 4073, Lot 1 (Parcel

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R); Block 4072, Lot 5 (Parcel S); Block 4069, Lot 2 (Parcel T); and Block 4076, Lot 2 (Parcels U-1, U-2 and U-3); and

WHEREAS, FC Yonkers Associates, LLC and the City have agreed to enter into an easement agreement entitled "FC Yonkers Associates, LLC Omnibus Grant of Water, Sewer, Drainage and Access Easements to the City of Yonkers, Ridge Hill Subdivision in the City of Yonkers" (the "Easement Agreement") whereby FC Yonkers Associates, LLC has agreed to grant and the City has agreed to accept easements over portions of certain of the parcels and Private Streets shown on the Subdivision Plat for the purposes of, among others, installing, operating, inspecting, maintaining, repairing, replacing, expanding and utilizing certain utilities and infrastructure as described more particularly in the Easement Agreement; and

WHEREAS, in connection with the recording of the Easement Agreement, a Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax (TP-584) must be executed by both parties to the conveyance and submitted to the Westchester County Clerk.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor or his designee be and the same is hereby authorized to execute the Easement Agreement between FC Yonkers Associates, LLC and the City; and be it further

RESOLVED, that the Mayor or his designee be and the same is hereby authorized to execute a Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax (TP-584) associated with the Omnibus Grant of Easements, in form and substance acceptable to the Corporation Counsel of the City of Yonkers; and be it further

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RESOLVED All Resolutions and Special Ordinances shall take effect upon the execution of all necessary and relevant documents and agreements related to the dedication of Ridge Hill Boulevard, Ridge Hill Lane and Otis Drive and the relevant utilities and infrastructure, all of which must be in a form and substance satisfactory to the Corporation Counsel and which shall be completed within thirty (30) days of the passage of said Resolutions and Special Ordinances, or as extended by a vote of a majority of the City Council.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, FEBRUARY 13, 2013 BY VOTE OF 7-0.

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RESOLUTION NO.16-2013

15. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AN EASEMENT AGREEMENT BETWEEN FC YONKERS ANCHOR, LLC AND THE CITY OF YONKERS GRANTING A STORMWATER EASEMENT OVER SECTION 4, BLOCK 4000, LOT 130 IN THE CITY OF YONKERS AND TO EXECUTE A COMBINED REAL ESTATE TRANSFER TAX RETURN, CREDIT LINE MORTGAGE CERTIFICATE, AND CERTIFICATION OF EXEMPTION FROM THE PAYMENT OF ESTIMATED PERSONAL INCOME TAX (TP-584) IN CONNECTION WITH SUCH EASEMENT

WHEREAS, by Resolution adopted September 15, 2010 and extended by Resolution adopted April 13, 2011, the City of Yonkers Planning Board approved a final subdivision plat entitled "Final Subdivision Plat, Ridge Hill Boulevard, Part of Lots 1, 100 & 125, Block 4000, Part of Lots 150, 160, 185, 187, 190, 195 & 214 Block 4001 and Part of Lot 32, Block 4025, City of Yonkers, Westchester County, State of New York" originally dated May 17, 2010 and last revised April 4, 2011, and such plat was filed in the office of the Westchester County Clerk, Division of Land Records on June 23, 2011, as Map No. 28488 (the "Ridge Hill Boulevard Subdivision Plat"); and

WHEREAS, FC Yonkers Anchor, LLC, with offices at One MetroTech Center, Brooklyn, New York 11201, is the fee owner of Section 4, Block 4000, Lot 130 ("Lot 130") as shown on the Official Tax Map of the City of Yonkers; and

WHEREAS, FC Yonkers Anchor, LLC and the City have agreed to enter into an easement agreement and covenants entitled "FC Yonkers Anchor, LLC Grant of Stormwater Easement and Declaration of Stormwater Maintenance Agreement" (the "Easement Agreement") whereby FC Yonkers Anchor, LLC has agreed to maintain the Water Quality Infrastructure (as that term is defined in the Easement Agreement) on Lot 130 and to grant to the City, and the City has agreed to accept, an easement over a portion Lot 130 for the purpose of installing, operating, inspecting, maintaining, repairing, replacing, and utilizing the

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Water Quality Infrastructure as described more particularly in the Easement Agreement; and

WHEREAS, in connection with the recording of the Easement Agreement, a Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax (TP-584) must be executed by both parties to the conveyance and submitted to the Westchester County Clerk.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor or his designee be and the same is hereby authorized to execute the Easement Agreement between FC Yonkers Anchor, LLC and the City; and be it further

RESOLVED, that the Mayor or his designee be and the same is hereby authorized to execute a Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax (TP-584) associated with the stormwater easement, in form and substance acceptable to the Corporation Counsel of the City of Yonkers; and be it further

RESOLVED All Resolutions and Special Ordinances shall take effect upon the execution of all necessary and relevant documents and agreements related to the dedication of Ridge Hill Boulevard, Ridge Hill Lane and Otis Drive and the relevant utilities and infrastructure, all of which must be in a form and substance satisfactory to the Corporation Counsel and which shall be completed within thirty (30) days of the passage of said Resolutions and Special Ordinances, or as extended by a vote of a majority of the City Council.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, FEBRUARY 13, 2013 BY VOTE OF 7-0.

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RESOLUTION NO.17-2013

16. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A MAINTENANCE AND RIGHT OF ENTRY AGREEMENT BETWEEN FC YONKERS ASSOCIATES, LLC AND THE CITY OF YONKERS WITH RESPECT TO STORMWATER TREATMENT INFRASTRUCTURE FOR RIDGE HILL BOULEVARD AND RIDGE HILL LANE IN THE CITY OF YONKERS, AS SUCH STREETS ARE SHOWN ON THE RIDGE HILL BOULEVARD OFF-SITE SUBDIVISION PLAT, FILED MAP NUMBER 28488, AND TO EXECUTE A COMBINED REAL ESTATE TRANSFER TAX RETURN, CREDIT LINE MORTGAGE CERTIFICATE, AND CERTIFICATION OF EXEMPTION FROM THE PAYMENT OF ESTIMATED PERSONAL INCOME TAX (TP-584) IN CONNECTION WITH SUCH AGREEMENT

WHEREAS, by Resolution adopted September 15, 2010 and extended by Resolution adopted April 13, 2011, the City of Yonkers Planning Board approved a final subdivision plat entitled "Final Subdivision Plat, Ridge Hill Boulevard, Part of Lots 1, 100 & 125, Block 4000, Part of Lots 150, 160, 185, 187, 190, 195 & 214 Block 4001 and Part of Lot 32, Block 4025, City of Yonkers, Westchester County, State of New York" originally dated May 17, 2010 and last revised April 4, 2011, and such plat was filed in the Office of the Westchester County Clerk, Division of Land Records on June 23, 2011, as Map No. 28488 (the "Ridge Hill Boulevard Off-Site Subdivision Plat"); and

WHEREAS, the Ridge Hill Boulevard Off-Site Subdivision Plat shows, among other things, new streets known as "Ridge Hill Boulevard" and "Ridge Hill Lane," which are to be dedicated to the City of Yonkers (the "City") as public streets; and

WHEREAS, the City desires to accept dedication of Ridge Hill Boulevard and Ridge Hill Lane as shown on the Ridge Hill Boulevard Off-Site Subdivision Plat; and

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RESOLUTION NO.17-2013 (CONTINUED)

WHEREAS, as part of the approval of the Ridge Hill Boulevard Off-Site Subdivision Plat, the Planning Board approved a stormwater pollution prevention plan for the collection, control, management, treatment and discharge of stormwater runoff from Ridge Hill Boulevard and Ridge Hill Lane (the "SWPPP"); and

WHEREAS, the SWPPP is comprised of two components and their associated infrastructure, one for stormwater collection and the other for stormwater treatment (hereinafter referred to as the "Stormwater Collection Infrastructure" and the "Stormwater Treatment Infrastructure," respectively), as shown on that certain plan entitled "Off Site Ridge Hill Boulevard Stormwater Plan," prepared by Philip Habib & Associates, last revised August 4, 2009, a copy of which is annexed to the Stormwater Treatment Infrastructure Maintenance and Right of Entry Agreement (the "Agreement") as Schedule B and which is on file in the Office of the City Engineer of the City of Yonkers; and

WHEREAS, the City and FC Yonkers Associates, LLC wish to enter into an Agreement regarding the maintenance of the Stormwater Collection Infrastructure and the Stormwater Treatment Infrastructure in the Ridge Hill Boulevard and Ridge Hill Lane rights of way after dedication of such streets is accepted by the City and the City wishes to grant FC Yonkers Associates, LLC a right of entry into such rights of way to perform its responsibilities under the Agreement; and

WHEREAS, in connection with the recording of the Agreement, a Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax (TP-584) must be executed by both parties to the conveyance and submitted to the Westchester County Clerk.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor or his designee be and the same is hereby authorized to execute the Agreement between FC Yonkers Associates, LLC and the City; and be it further

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RESOLUTION NO.17-2013 (CONTINUED)

RESOLVED, that the Mayor or his designee be and the same is hereby authorized to execute a Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax (TP-584) associated with the Agreement, in form and substance acceptable to the Corporation Counsel of the City of Yonkers; and be it further

RESOLVED All Resolutions and Special Ordinances shall take effect upon the execution of all necessary and relevant documents and agreements related to the dedication of Ridge Hill Boulevard, Ridge Hill Lane and Otis Drive and the relevant utilities and infrastructure, all of which must be in a form and substance satisfactory to the Corporation Counsel and which shall be completed within thirty (30) days of the passage of said Resolutions and Special Ordinances, or as extended by a vote of a majority of the City Council.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, FEBRUARY 13, 2013 BY VOTE OF 7-0.

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RESOLUTION NO.18-2013

17. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AN EASEMENT AGREEMENT BETWEEN HORIZON AT RIDGE HILL, LLC AND THE CITY OF YONKERS GRANTING THE CITY SEWER MAIN, SEWER FORCE MAIN AND WATER MAIN EASEMENTS OVER PARCEL M WITHIN THE RIDGE HILL DEVELOPMENT AND TO EXECUTE A COMBINED REAL ESTATE TRANSFER TAX RETURN, CREDIT LINE MORTGAGE CERTIFICATE, AND CERTIFICATION OF EXEMPTION FROM THE PAYMENT OF ESTIMATED PERSONAL INCOME TAX (TP-584) IN CONNECTION WITH SUCH EASEMENTS

WHEREAS, by Resolution adopted February 9, 2011, the City of Yonkers Planning Board approved a final revised subdivision plat entitled "Final Subdivision Plat, Ridge Hill, New York State Thruway (Interstate 87), City of Yonkers, Westchester County, State of New York" and such plat was filed in the office of the Westchester County Clerk, Division of Land Records on May 4, 2011, as Map No. 28475 (the "Subdivision Plat"), showing, among other things, parcels and private streets within the subdivision; and

WHEREAS, Horizon at Ridge Hill, LLC, a New York limited liability company having an address at 130 Post Avenue, Westbury, New York 11590, Attention Mr. David Marome, is the fee owner of Parcel M as shown on the Subdivision Plat; and

WHEREAS, Horizon at Ridge Hill, LLC and the City have agreed to enter into an easement agreement entitled "Grant of Sewer Main, Sewer Force Main and Water Main Easements" (the "Easement Agreement") whereby Horizon at Ridge Hill, LLC has agreed to grant and the City has agreed to accept easements over a portion of Parcel M for the purpose of installing, operating, inspecting, maintaining, repairing, replacing, and expanding as required sanitary sewer mains, sanitary sewer force mains, and water mains and their appurtenant fixtures and equipment, including, but not limited to, the right to enter upon such

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RESOLUTION NO.18-2013 (CONTINUED)

Easement areas in order to exercise the various rights granted in the Easement Agreement; and

WHEREAS, in connection with the recording of the Easement Agreement, a Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax (TP-584) must be executed by both parties to the conveyance and submitted to the Westchester County Clerk.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor or his designee be and the same is hereby authorized to execute the Easement Agreement between Horizon at Ridge Hill, LLC and the City; and be it further

RESOLVED, that the Mayor or his designee be and the same is hereby authorized to execute a Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax (TP-584) associated with the Easement Agreement, in form and substance acceptable to the Corporation Counsel of the City of Yonkers; and be it further

RESOLVED All Resolutions and Special Ordinances shall take effect upon the execution of all necessary and relevant documents and agreements related to the dedication of Ridge Hill Boulevard, Ridge Hill Lane and Otis Drive and the relevant utilities and infrastructure, all of which must be in a form and substance satisfactory to the Corporation Counsel and which shall be completed within thirty (30) days of the passage of said Resolutions and Special Ordinances, or as extended by a vote of a majority of the City Council.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, FEBRUARY 13, 2013 BY VOTE OF 7-0.

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RESOLUTION NO.19-2013

18. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN FC YONKERS ASSOCIATES, LLC AND THE CITY OF YONKERS WITH RESPECT TO THE DEDICATION OF A SANITARY SEWER EASEMENT OVER ADJACENT PROPERTY IN THE CITY OF YONKERS, AND TO EXECUTE A COMBINED REAL ESTATE TRANSFER TAX RETURN, CREDIT LINE MORTGAGE CERTIFICATE, AND CERTIFICATION OF EXEMPTION FROM THE PAYMENT OF ESTIMATED PERSONAL INCOME TAX (TP-584) IN CONNECTION WITH SUCH AGREEMENT

WHEREAS, Developer is the fee owner of property formerly known as a portion of Block 4060, Lot 1 on the Official Tax Map of the City of Yonkers ("Tax Lot 4060-1") and currently known as Parcels A, B, C, D, E, F, G, H, I, J, K, L, N, O, P, Q, R, S, T, U1, U2, and U3 (collectively the "Parcels") shown on a certain final revised subdivision plat entitled aFinal Subdivision Plat, Ridge Hill, New York State Thruway (Interstate 87), City of Yonkers, Westchester County, State of New York®, which was filed in the office of the Westchester County Clerk, Division of Land Records on May 4, 2011, as Map No. 28475 (the aSubdivision Plate®); and

WHEREAS, sanitary sewer service for the Parcels is provided, in part, through an existing 12-inch sanitary sewer pipe on property abutting Parcels N, Q, and O as shown on the Subdivision Plat, to the west, which existing sewer pipe connects to an 18-inch sewer main in the right-of-way of Sprain Road, a public street; and

WHEREAS, according to the City's Official Tax Maps, a portion of Tax Lot 4060-1 lies between a portion of the New York State Thruway (the "Thruway") and Sprain Road on the west (hereinafter the Thruway property and the property to its west up to Sprain Road are collectively referred to as the "Adjacent Property"); and

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RESOLUTION NO.19-2013 (CONTINUED)

WHEREAS, Developer has, at the City's request, made improvements to the existing 12-inch sanitary sewer pipe on the Adjacent Property; and

WHEREAS, Developer has sold and conveyed certain water mains, sewer mains, sewer force mains, stormwater pipes, conduits, swales, other stormwater management structures and improvements, and appurtenances lying within the Private Streets and Parcels on the Subdivision Plat and within the Adjacent Property to the City; and

WHEREAS, the existing 12-inch sanitary sewer pipe on the Adjacent Property is part of the sanitary sewer system for the Project and the City wishes to take over ownership and control of such sanitary sewer pipe and to convert it into a public sewer main so that the 12-inch sanitary sewer pipe can be integrated into the City's public sewer system; and

WHEREAS, Developer wishes to dedicate to the City all of its right, title and interest in and to the existing 12-inch sanitary sewer pipe and related appurtenances and improvements on the Adjacent Property and to a 25-foot wide sanitary sewer easement centered on such existing pipe, subject to the terms and conditions provided herein, together with any right Developer has to enter onto the Adjacent Property for the purposes set forth herein, and the City desires to accept such dedication; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor or his designee be and the same is hereby authorized to execute the Agreement between FC Yonkers Associates, LLC and the City; and be it further

RESOLVED, that the Mayor or his designee be and the same is hereby authorized to execute a Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax (TP-584) associated with the Agreement, in form and substance acceptable to the Corporation Counsel of the City of Yonkers; and be it further

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RESOLUTION NO.19-2013 (CONTINUED)

RESOLVED All Resolutions and Special Ordinances shall take effect upon the execution of all necessary and relevant documents and agreements related to the dedication of Ridge Hill Boulevard, Ridge Hill Lane and Otis Drive and the relevant utilities and infrastructure, all of which must be in a form and substance satisfactory to the Corporation Counsel and which shall be completed within thirty (30) days of the passage of said Resolutions and Special Ordinances, or as extended by a vote of a majority of the City Council.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, FEBRUARY 13, 2013 BY VOTE OF 7-0.

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RESOLUTION NO.20-2013

19. BY MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN,
SHEPHERD AND BREEN:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YONKERS
ADOPTING FINDINGS OF NEGATIVE DECLATION UNDER SEQRA
AND APPROVING PLAN MODIFICATION TO INCREASE THE
MAXIMUM HEIGHT OF CERTAIN BUILDINGS DESIGNATED IN THE
DOWNTOWN WATERFRONT MASTER PLAN

WHEREAS, in 1998, the City of Yonkers, by City Council action
after Planning Board review, adopted an area master plan for the
redevelopment of the area known as the Yonkers Downtown Waterfront
Master Plan ("Master Plan"), generally consisting of an area of land
between the American Sugar Refinery and the Saw Mill River outfall; and

WHEREAS, the area covered under the Master Plan was expanded
by the addition of lands north of the Saw Mill River outfall in approximately
2004; and

WHEREAS, the Master Plan was amended in 2006 to permit the
redevelopment of lands north of the Saw Mill River outfall to a taller height
than originally called for in the initially adopted Master Plan; and

WHEREAS, the Master Plan was again amended in 2008 to permit
the additional height and density at the south end of the plan areas on
Parcels H and I; and

WHEREAS, the application of the Master Plan principles and
design guidelines has resulted in the development of approximately 530
dwelling units, and a riverfront esplanade covering over a half mile of the
water's edge, which has produced an unquestionably beneficial change to
the area, transforming the area from a previously vacant and underutilized
industrial site into a vibrant anchor of the Downtown Yonkers'
redevelopment; and

WHEREAS, on July 18, 2012, Collins Enterprises, LLC (the
"Applicant") submitted an application to the Planning Board for, among
other things, a PUR/Special Use Permit and Site Plan Approval to
construct a new 222 unit, approximately 240-foot high residential building
(the "Project") on certain land known as Parcel "B" under the Master Plan;
and

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RESOLUTION NO.20-2013 (CONTINUED)

WHEREAS, the project as proposed would result in a construction of greater height and more units than is currently provided for in the Master Plan, as amended; and

WHEREAS, pursuant to the Yonkers Zoning Code Section 43-60A(4), in order for the Planning Board to grant the requested PUR/Special Use Permit, the Master Plan must first be further amended such that the project will be consistent with the Master Plan; and

WHEREAS, on November 30, 2012, the Applicant petitioned the Yonkers City Council to amend the Master Plan such that the project would be consistent therewith, specifically requesting the following changes to the text, design guidelines and figures of the Master Plan: Amendment to regulations governing Parcel B to permit construction to 250 feet; and

WHEREAS, on December 4, 2012, the City Council referred the Applicant's petition to the Planning Board for its recommendation as required under the General City Law of the State of New York; and

WHEREAS, the Planning Board of the City of Yonkers has considered the proposed Master Plan amendment in relation to the prior history of the adoption of the Master Plan and subsequent amendments thereto, including the rationale for such amendments and the ensuing beneficial redevelopment of the Yonkers waterfront; and

WHEREAS, the Planning Board of the City of Yonkers, pursuant to the regulations promulgated pursuant to the New York State Environmental Quality Review Act ("SEQRA") became lead agency for the Master Plan Amendment, PUR application and site plan review of the proposed Hudson Park III development application at its meeting of September 12, 2012; and

WHEREAS, the Planning Board of the City of Yonkers has carefully reviewed the expanded EAF provided for the proposed action and the petition to amend the Downtown Waterfront Master Plan submitted by the Applicant; and

WHEREAS, the Planning Board of the City of Yonkers has issued a Negative Declaration pursuant to SEQRA, stating that an Environmental Impact Statement will not be required; and

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RESOLUTION NO.20-2013 (CONTINUED)

WHEREAS, the Planning Board of the City of Yonkers has favorably recommended to the City Council, the adoption of the Applicant's Petition; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YONKERS:

Section 1. That the City Council, as an Involved Agency, hereby adopts the findings made in the attached Negative Declaration issued by the City of Yonkers Planning Board, as Lead Agency and determines that the Master Plan amendment will not have a significant impact on the environment, and that no further SEQRA compliance is required with respect to the proposed Project since the Proposed project is in substantial conformance with the Master Plan, as amended herein.

Section 2. The City Council hereby approves the proposed amendment to the Downtown Waterfront Master Plan in relation to Parcel B to allow a residential building on such parcel with 222 residential dwellings at a height of 250 feet and such amendment is deemed to be in the best interest of the City of Yonkers.

Section 3. That this resolution shall take effect immediately.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER SABATINO TO HOLD ABOVE RESOLUTION OVER. THIS MOTION WAS DEFEATED BY A ROLL CALL VOTE OF 4-3. COUNCIL PRESIDENT LESNICK, COUNCILMEMBER SABATINO & JOHNSON VOTING "YEA"

MOTION BY COUNCIL PRESIDENT LESNICK SECONDED BY COUNCILMEMBER JOHNSON TO ADD THE WORDS "TO BE RATIFIED BY THE CITY COUNCIL BEFORE THE PLANNING BOARD" THIS MOTION WAS DEFEATED BY A ROLL CALL VOTE OF 4-3. COUNCIL PRESIDENT LESNICK, COUNCLMEMEBRS SABATINO & JOHNSON VOTING "YEA"

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, FEBRUARY 13, 2013 BY A ROLL CALL VOTE OF 4-3. COUNCIL PRESIDENT LESNICK, COUNCILMEMBER SABATINO & JOHNSON VOTING "NAY"

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RESOLUTION NO.21-2013

20. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

WHEREAS, the owner of the property located at 590 Palmer Road, more properly known as Block 5000, Lot 1, on the Tax Assessment Map of the City of Yonkers has submitted an application to the Planning Board for a Special Use Permit for the proposed construction of two new buildings, one for refrigeration equipment and one for relays, concrete foundations for various transmission equipment and supporting structure to carry the feeder lines across the station containment at the Dunwoodie substation which was approved by the Planning Board in accordance with Article VII and Article IX of the Zoning Code of the City of Yonkers; and

WHEREAS, the proposed changes are primarily in areas that appear to be of the least impact to the areas of Smart Avenue and Kingston Avenue; and

WHEREAS, the equipment closest to the community does not create additional noise that cannot be mitigated, it does not have lighting impacts and there are no public safety concerns regarding the new installation; and

WHEREAS, pursuant to Sections 43-51 and 43-55 of the Yonkers City Code, the City Council is the approving agency for Special Use Permits following approval by the Planning Board; and

WHEREAS, upon review of the application and the record, this City Council believes it to be in the best interest of the City of Yonkers to grant that portion of the application for a Special Use Permit.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Yonkers, in its meeting assembled, that the proposed Special Use Permit should be granted; and

BE IT FURTHER RESOLVED, that upon the record and findings of the Planning Board, with respect to the application submitted by Consolidated Edison, as the property owner, for a Special Use Permit, for the proposed construction of two new buildings, one for refrigeration equipment and one for relays, concrete foundations for various transmission equipment and supporting structure to carry the feeder lines across the station at the Dunwoodie substation at Block 5000, Lot 1, on the Tax Assessment Map of the City of Yonkers, on the property known as

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RESOLUTION NO.21-2013 (CONTINUED)

590 Palmer Road, Yonkers, New York, pursuant to Article VII and Article IX of the Zoning Code of the City of Yonkers, the decision and actions of the Planning Board of the City of Yonkers are hereby approved, however, any above ground utilities such as pipes, buss work and similar matters not shown on the plan and are prohibited. Also the landscaping along Kingston Avenue and Gramatan Drive must be maintained. This approval is further subject to the conditions set forth in the decision of the Planning Board, which includes but is not limited to; (1) the report by the Planning Bureau; and (2) the report by the Traffic Engineer; and (3) general knowledge of the area. All of the conclusions, findings and conditions of the December 12, 2012, Planning Board resolution are hereby referenced to and made a part hereof; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, FEBRUARY 13, 2013 BY VOTE OF 7-0.

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RESOLUTION NO.22-2013

21. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

WHEREAS, the New York State Environmental Facilities Corporation through the Consolidated Funding Application (CFA) process has selected the City of Yonkers to receive up to \$921,425 in funding for the daylighting of the Saw Mill River through the Green Innovation Grant Program (Grant), which is funded through the U.S. Environmental Protection Agency as part of the New York Clean Water State Revolving Fund Program; and

WHEREAS, the funds will be used towards the engineering design and construction of daylighting in the Mill Street Courtyard area which constitutes a major part of the of the downtown revitalization effort and continuing the Saw Mill Daylighting project; and

WHEREAS, the Grant requires a local contribution of 5% or \$46,071 (if the grant is fully funded) which will be funded from part of the proceeds of the sale of the former Main Street Library; and

WHEREAS, it is necessary and appropriate for the Council to designate the Mayor of the City of Yonkers or his designee to execute the agreements necessary to fulfill the requirements of the Grant and to designate the Commissioner of the Department of Planning and Development to sign any State Aid Vouchers and other documentation pertaining to seeking reimbursement of project costs.

NOW, THEREFORE BE IT RESOLVED, that the Mayor or his designee of the City of Yonkers is hereby authorized to execute the agreements necessary to fulfill the requirements of the Grant and the Commissioner of the Department of Planning and Development is hereby authorized to sign State Aid Vouchers and other documentation pertaining to seeking reimbursement of project costs; and be it further

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RESOLUTION NO.22-2013 (CONTINUED)

RESOLVED, that this resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A
STATED MEETING HELD ON WEDNESDAY, FEBRUARY 13, 2013 BY
VOTE OF 7-0.

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RESOLUTION NO.23-2013

22. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

WHEREAS, the authorization for the City of Yonkers to negotiate the private sale of its bonds and notes is vital to improving the City's financial stability and independence; and

WHEREAS, the continuance of this power will allow more cost-effective financing of the City's debt; and

WHEREAS, the City's bonding authority will expire on June 30, 2013 unless it is extended for one (1) year; and

WHEREAS, Senate Bill No. S 3020 and its companion bill, Assembly Bill No. A 3157 have been introduced into the New York State legislature; and

WHEREAS, these bills will permit the private sale of bonds or notes by the City of Yonkers, subject to the approval of the State Comptroller; and

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Yonkers hereby declares that the enactment of S 3020 and A 3157 are in the best interests of the City of Yonkers to extend until June 30, 2014, the City's authorization to negotiate the private sale of bonds and notes and is essential to improving the city's financial stability and independence; and

BE IT FURTHER RESOLVED, that the City Council requests the City Clerk to forward a copy of this Home Rule Request Message to the Legislature of the State of New York requesting the passage of the aforesaid bills.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, FEBRUARY 13, 2013 BY VOTE OF 7-0.

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RESOLUTION NO.24-2013

23. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

BE IT RESOLVED, that the following applicant(s) are hereby appointed and/or reappointed to the office of Commissioner of Deeds for a period of two years to expire on March 31, 2015

Kisha Devonne Skipper
145 Ridge Avenue
Yonkers, New York 10703

Yonkers City Council

NEW

Tahisha Bourdier
57 Radford Street
Yonkers, New York 10705

Administrative Assistant

NEW

Elbert Shamsid-Deen
33 South Broadway
Yonkers, New York 10701

Insurance

RENEWAL

David A. Barbuti
87 Nepperhan Avenue
Yonkers, New York 10701

Housing & Building Dept.

RENEWAL

ANNOTATED AGENDA
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RESOLUTION NO.24-2013 (CONTINUED)

Miranda Leonetti
87 Nepperhan Avenue
Yonkers, New York 10701

Housing & Building Dept.

RENEWAL

Jannine Ferraiola
87 Nepperhan Avenue
Yonkers, New York 10701

Housing & Building Dept.

RENEWAL

Michael DeFlorio
87 Nepperhan Avenue
Yonkers, New York 10701

Housing & Building Dept.

RENEWAL

Catherine Jones
87 Nepperhan Avenue
Yonkers, New York 10701

Housing & Building Dept.

RENEWAL

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RESOLUTION NO.24-2013 (CONTINUED)

Maria Rendina
87 Nepperhan Avenue
Yonkers, New York 10701

Housing & Building Dept.

RENEWAL

Mercedes Guina
538 Riverdale Avenue
Yonkers, New York 10705

Paralegal

RENEWAL

Susan Azzara
1511 Central Park Avenue
Yonkers, New York 10710

Municipal Housing

RENEWAL

Lachonne Denise Clark
1511 Central Park Avenue
Yonkers, New York 10710

Municipal Housing

RENEWAL

Crystal M. Estrada
1511 Central Park Avenue
Yonkers, New York 10710

Municipal Housing

RENEWAL

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RESOLUTION NO.24-2013 (CONTINUED)

Miosotis A. Feliz
1511 Central Park Avenue
Yonkers, New York 10710

Municipal Housing

RENEWAL

Jean N. Suarez
538 Riverdale Avenue
Yonkers, New York 10705

Paralegal

RENEWAL

Sandra Jakominic
6 Winthrop Avenue
Yonkers, New York 10710

Clerk-Data Entry

RENEWAL

Theresa M. Lucadamo
96 Longvue Terrace
Yonkers, New York 10710

Supermarket

RENEWAL

Robert L. Moffitt
96 Longvue Terrace
Yonkers, New York 10710

Retired

RENEWAL

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STATED MEETING
WEDNESDAY, FEBRUARY 13, 2013

RESOLUTION NO.24-2013 (CONTINUED)

Robyn N. Fullerton
16 Rose Hill Terrace
Yonkers, New York 10703

Yonkers Public Schools

RENEWAL

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A
STATED MEETING HELD ON WEDNESDAY, FEBRUARY 13, 2013 BY
VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
WEDNESDAY, FEBRUARY 13, 2013

RESOLUTION NO.25-2013

24. BY COUNCILMEMBER BREEN, COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO & SHEPHERD:

WHEREAS, Maria Regina High School, located at 500 West Hartsdale Avenue, Hartsdale New York will hold its "Annual Card Party" on Thursday February 28th, 2013, and has requested permission from the City Council to place a banner promoting this event, and

WHEREAS, Maria Regina High School has asked that they be permitted to place one banner at the following location: (1) Sadore Lane overpass fence, on or around Feb. 15thth, and to be removed as soon after March 1st as is possible.

WHEREAS, said locations are subject to the scheduling and availability of the banner sites as administered by the Department of Public Works.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Yonkers hereby grants permission to Maria Regina High School to place one banner in the aforementioned location, subject to any terms and conditions deemed appropriate by the Administration to protect the best interests of the City of Yonkers.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, FEBRUARY 13, 2013 BY VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
WEDNESDAY, FEBRUARY 13, 2013

RESOLUTION NO.26-2013

25. BY MINORITY LEADER LARKIN, COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

WHEREAS, St. Bartholomew Church, located at 278 Saw Mill River Road in Yonkers will hold its annual "Sweepstakes Social" on Friday, March 15, 2013, and has requested permission from the City Council to place banners in the area promoting this event, and

WHEREAS, St. Bartholomew Church has asked that they be permitted to place four (4) banners at the following locations: (1) on North Broadway & Executive Blvd. (2) on the outside of the pedestrian bridge facing south near Central Park Ave. & Tuckahoe Road (3) Yonkers Ave. & Gold's Gym and the last at Palmer and Saw Mill River Road, on or around February 15, 2013 and to be removed as soon after March 15, 2013 as is possible.

WHEREAS, said locations are subject to the scheduling and availability of the banner sites as administered by the Department of Public Works.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Yonkers hereby grants permission to St. Bartholomew Church to place four banners in the aforementioned locations, subject to any terms and conditions deemed appropriate by the Administration to protect the best interests of the City of Yonkers.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, FEBRUARY 13, 2013 BY VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
WEDNESDAY, FEBRUARY 13, 2013

COMMITTEE REPORTS

THIS MEETING WAS ADJOURNED AT 9:36PM